

Focus Group and Interview Summary Report
**Prepared by the Massachusetts Office of Dispute Resolution & Public
Collaboration (MODR) for the Massachusetts Executive Office of Energy and
Environmental Affairs**

September 2009

This report will be issued in draft form to all focus group participants and interviewees for comment. Upon receipt of comment and after revising as needed, MODR will finalize the report and distribute to all interested parties.

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A. BACKGROUND AND METHODOLOGY

Background

The Massachusetts Executive Office of Energy and Environmental Affairs (EEA) has been working with the U.S. Forest Service (USFS) for the past five years to explore the possibility of a new model for a National Forest that meets today's land conservation and forestry challenges in the Northern Berkshire region near the Green Mountain National Forest. After initial outreach to local communities, the forest industry, landowners, sportsmen and environmental organizations, a proposed new model for a "family forest-based" National Forest was developed in close collaboration with the USFS. The primary goals of such a designation would be to expand high quality forestry and forest recreation, conserve working forests, respect private land ownership and support the tax base of small rural communities.

EEA engaged the Massachusetts Office of Dispute Resolution & Public Collaboration (MODR) to conduct stakeholder focus groups in June and July of 2009 to gain insight into stakeholder perspectives, hear concerns and gather suggestions of ways to improve this concept can better meet these goals. The focus groups were led by Loraine Della Porta, Deputy Director of MODR and Patrick Field, a MODR affiliate from the Consensus Building Institute (CBI). They were assisted by MODR affiliate Kurt Dettman and Ona Ferguson of CBI.

Methodology

MODR worked with EEA to arrange a series of focus group and individual interviews to understand the issues, concerns, and ideas associated with the potential proposal for designation of a National Forest. This process was designed to gather feedback, surface important issues and to collect and develop process input for EEA.

In consultation with EEA, MODR developed an initial list of potential stakeholders in a wide range of categories. This initial stakeholder list contained approximately 100 individuals/organizations and was later expanded to include other suggested stakeholders. Prior to scheduling focus groups and interviews, EEA sent an introductory letter to these stakeholders briefly outlining the idea of a National Forest unit in Massachusetts and inviting stakeholders to provide their feedback to MODR when contacted. MODR staff followed up with phone calls, e-mails and letters to stakeholders to introduce themselves and to invite them to participate in a scheduled focus group or a telephone interview. MODR scheduled ten (10) focus group meetings at a variety of times and geographic locations to encourage maximum participation and ease of travel for participations. MODR also asked focus group participants and interviewees for the names of any additional individuals or organizations that should be invited. As the process unfolded, MODR added two (2) additional focus group meetings

and several individual phone calls for those who could not attend a focus group meeting. Some organizations invited also used their communication channels (i.e., list serves, mailing lists) to encourage others to attend.

Between June 1 and June 2, 2009, MODR spoke with over eighty individuals via scheduled focus groups or individually, via telephone interviews. A complete list of interviewees by name and organization can be found in Appendix 1. In scheduling these initial focus groups, MODR sought to invite individuals with similar interests (rather than competing interests) to each focus group. The intent of this ordering was to provide a forum for individuals and individuals representing organizations to have focused, thorough and frank dialogue on the concept of a National Forest unit in Massachusetts and not be distracted by other issues. MODR notes that as this concept goes forward, the Commonwealth will need to convene diverse stakeholder groups to take up the issues together in a deliberative dialogue.

The following focus groups were convened. Please note that while the Assessment Team sought to organize groups by stakeholder type or interest, some people attended the focus group available to them per scheduling and many stakeholders have multiple affiliations and interests. For instance, an individual may be on the board of a land trust, be a forester, and also own land in the area.

DATE	LOCATION	INTEREST
June 1	Greenfield Community College, Greenfield	Private/Prof Foresters
June 1	Greenfield Community College, Greenfield	Planning & Development Organizations, Berkshire/Franklin County
June 2	Berkshire Community College, Pittsfield	Recreation & Sportsmen's Organizations
June 2	Berkshire Community College, Pittsfield	Land Trust & Conservation Organizations
June 4	Doyle Center, Leominster	Land Trust & Conservation Organizations
June 5	Greenfield Community College, Greenfield	Landowners
June 8	Berkshire Community College, Pittsfield	Public Officials/Legislators
June 8	Berkshire Community College, Pittsfield	Forest Industry/Wood Producers
June 9	MA College Liberal Arts, North Adams	Public Officials/Legislature
June 9	MA College of Liberal Arts, North Adams	Public Officials/Legislature
June 22	Via Phone	DCR Foresters
June 26	Westborough	Federal and State agencies

This assessment report seeks to reflect the range of views expressed, without attribution by name or organization. The report also offers a set of process recommendations for proceeding with dialogue. To encourage open, frank dialogue, the Assessment Team assured participants that their views and opinions would not be attributed by name or organization. Participants were informed that the Assessment Team would compile and distribute a draft written report summarizing the key findings and process recommendations based on those findings for all who were interviewed to comment on. The views and comments paraphrased below are the views of interviewees, and are not the views of MODR. These views were expressed in

interviews and reflect the interests and concerns expressed by focus group participants and interviewees. This report reflects perceptions, views, and opinions, but does not independently verify any particular statements as facts. Please also note that this report is intended to reflect the range of views of interviewees regarding the idea of a national forest service unit. MODR, as an independent, neutral assessor, has no substantive views on the merits of this idea, and in our role, is neither supporting or opposing the EEA's idea. All errors and omissions in this report are the sole responsibility of MODR.

A draft of this report was sent out to all assessment Participants July 31, 2009, with a comment period through August 14, 2009. MODR received four sets of comments and those were also taken into account in the final version of this report.

Report Structure

This report is divided into several sections. We present a summary of findings from the interviews below. This section is MODR's understanding of the key issues and ideas identified by focus group participants and interviewees. The findings are then divided into two sections: one on substantive issues surrounding the idea of a family-forest national forest designation, and one on the process, including views on the focus groups themselves. The last section of the report includes MODR's suggested process options, given the range of views heard. Lastly, we include appendices, including the list of interviewees by name and organization and the interview questions.

B. SUMMARY OF FINDINGS

This section of the report summarizes the key issues identified in the focus groups and individual interviews.

In general, most, but not all interviewees across various interest groups expressed concern and uncertainty about the ideal of a National Forest service unit within Massachusetts. A small number of interviewees expressed enthusiasm and optimism for such a designation. Stakeholders' concern and uncertainty stems, in our view, from a variety of factors. These include:

- Lack of clarity on the specifics of the idea and its intended purpose;
- Concern about current management of state forests;
- Concern about the implications of a federal presence in the region, even with a unique kind of forest service model;
- Fear of loss of local control and a way of life;
- Concern about adverse impacts on local economies and municipal budgets; and,
- Concern about those outside the region making decisions and using their influence (with the strongest skepticism reserved for the federal government, followed by state government, which some consider to be focused primarily on the interests of eastern Massachusetts).

Stakeholders generally recognized the potential value of some flow of additional federal dollars and support to the region. Almost all recognize the unique challenges in this region today, including increased development pressure, a forestry industry in recession if not decline, struggling municipalities, and chronic state underinvestment. Thus, they do see benefit in the additional assistance that state and federal dollars and technical resources could provide. Furthermore, many note the importance of preserving the current way of life, the rural character, small town life, and working, beautiful forest and open landscapes. People described potential benefits of a national forest, including: additional money for forest stewardship, improved Conservation Restriction (CR) management, increased economic development, and new forestry and wood products research. However, they usually expressed strong concern about what “strings” or requirements would accompany additional dollars.

Stakeholders raised a number of questions and concerns regarding the specific mechanisms involved in the suggested forest service unit. These included, but are not limited to:

- How will CRs be the same as or different from those in the current state’s Chapter 61 approach?
- What additional access requirements would be required in this approach?
- What additional mandates might be brought to bear on holders of CRs or on private landowners?
- Why is the right of first refusal included and what does it mean for long-term tenure of the land?
- Where would the exact boundaries of such a designation be and why?
- What proportion of land would be in state or federal lands, and what would their purpose be?
- Are there other models that might coordinate and increase the flow of federal funds, potentially with less negative impacts and unintended consequences?

Stakeholders raised a number of process suggestions for EEA. These included, but are not limited to:

- Going forward, the state should engage diverse stakeholders together, not separately, so different interests can engage one another in this conversation
- Given that the state foresters are the gatekeepers to both private and public forests, they must be engaged in this effort.
- The state must engage each and every municipality within the generally defined geographic area. This could be done through making presentations at each select board meeting.
- The state should consider whether to proceed further down this particular path of a National Forest Service unit or whether to back up and consider a broader visioning process that can jointly define both the problems to be solved and the options available for solving them.

- The state needs to consider how this proposed designation relates to the state forest visioning process now underway with respect to both substance and timing.

C. COMMENTS, QUESTIONS AND CONCERNS ON SUBSTANTIVE ISSUES

This section outlines the range of substantive feedback and comments from focus group participants and interviewees on key topics. Many of the bulleted points represent comments made by several or many people. Although there may appear to be some repetition in some of the bullet points set out below, the Assessment Team thought it was important to set out as many of the Participant comments as possible “as is” so that report could faithfully record the nuances in views on some of the topic areas.

Government Ownership

- Why should we assume that if the state or the federal government ends up owning our forests, they would do a better job managing the forest resources, given that they are already having difficulty managing the lands they currently own? Private landowners do a good job of forest management and of taking care of the land. There are many questions as to whether the state or federal governments would do a better job managing MA forests than private landowners do, and concern that this idea would simply lead to moving inadequate forest management from state to federal control.
- How much land is “a small percentage” of land to be held in fee ownership by the state or federal government? A percentage that seems small to state and federal agencies may not seem small to others. Also, what portion will be held in state ownership, and what portion will be held in federal ownership?
- The federal role needs to be better defined. What exactly is proposed for federally owned land and its uses (including visitors centers trails, research centers and campgrounds)?
- With federal ownership comes federal regulation, including the right of those outside the Commonwealth to challenge permits, cutting, etc. Why should we give up local and state control to others?
- Consider the experience other states have had with National Forests. For example, the history of public ownership in the West has not been a success because one or a few decisions can impact a large area.
- What is the Forest Service’s interest in having a National Forest in MA? Ecological? Production of wood products? Political interest to be active in MA for votes? A desire for new programs and models? All of USFS’s multiple use requirements would need to be included, among them forestry, recreation and preservation.
- Would the land purchased under the right of first refusal be in state or federal ownership?

- We have concerns about clear cutting that has been permitted in State Forests.
- Certain uses are permitted on federal lands (cattle, mining, logging, motorized use, etc). Would all those be permitted uses here? Would user fees be imposed here? Is this designation intended to discourage certain uses (passive vs. active uses)?
- We have substantial distrust of government intervention in the western part of the state, which would be a significant barrier.
- Would federal requirements and rules trump state requirements and rules in areas within the National Forest? If so, what regulations would apply?
- How on the one hand can the State say that it does not want to increase government ownership of private land, but on the other propose a government right of first refusal that does exactly that?

Government Regulation

- There is very little trust in EEA currently. The state's consideration of an energy facilities siting board that would trump local control and oversight raises concerns that a similar loss of local control might occur in the National Forest.
- Will having federal money bring more regulation and open the door to the government and people from outside MA telling towns, landowners and others what to do with property, or even stop them from using their property (for example, cutting)?
- There are specific cutting requirements on private land now. Will those be replicated if the land becomes public?
- We want active forest management, not just managers who leave the forest as is. Active forest management can promote economic use, biodiversity and other benefits. If there is public ownership, there is concern that pressure from some groups could slow or stop the government from acting. The "anti" groups can tie things up in court and effectively stop the government from carrying out its plans. Groups can use the federal regulatory regime and the courts to paralyze the government from acting, as has happened with cutting permits in the past. Wouldn't this problem arise here?
- If State Forests become National Forest, anyone in the U.S. might have standing to object to forest management practices. National forests are supposed to be working forests. How can that goal be protected in this case?
- If the state or federal government control forest resources, will they be have the resources and capacity (through permitting, regulatory framework and enforcement process) to efficiently and effectively manage them well?
- Would this simply be a National Forest on which landowners still pay taxes?
- If asked to select between state and federal control of land, many prefer state control as it leaves control more local and avoids Washington bureaucracy while others support the idea of federal involvement since the state has had such difficulty effectively managing its own forests and parks due to financial limitations.
- If selecting among state agencies or land trusts to hold conservation restrictions, we prefer dealing with land trusts.

- What would the differences be between a state and a federal forest designation? What would the draw be to bring in members of the public?
- Different landowners and agencies have different approaches. For example, DCR has had a “no development” approach, Fish and Wildlife has promoted open public access, and farmers have not wanted to open their land to the public. What approach would the state take here?
- Any effort to conserve open space and sound forests should go forward.
- Private forests are managed better than public land. There are examples of state owned lands where every timber sale is fought. For example, in the Vermont National Forest, there has not been a timber sale in fifteen years. There’s a risk of creating public forests which are then managed poorly due to political impasse and ineffective efforts to seek consensus.
- MA State Forests are mismanaged currently. There are no inspections, no stumpage fees collected, trees are sometimes cut without permits, and storm damage to State Forests is not cleaned up. There are cases in which state forest management practices have unintentionally destabilized other forests.
- This puts the burden on towns to do what they can.
- How would lands owned by DCR, Fish and Wildlife or other state agencies be affected by this proposal?
- The USFS has almost an endless set of often-conflicting mandates. They issue permits for timber that are often challenged. They have extensive planning requirements. They charge for certain kinds of uses. They have wildfire provisions. They have ORV rules. Which of these national policies, executive orders, regulations, and guidelines would apply to this model?
- What would be the bureaucratic and administrative burden of this type of national forest?
- There is deep rooted suspicion about what is being proposed. State decisions often start at a high level and trickle down, which does not work. People in western MA want the state to acknowledge past mistreatment and to clarify how the interests of people in their part of the state will be met.

Boundaries

- What are the proposed boundaries of the National Forest? Towns and land owners will want to know whether they are within the boundary.
- In drawing the boundaries, how detailed will EEA be in the designation? Will they look at individual parcels?
- How would the boundaries work for non-contiguous areas that will not be part of the National Forest designation?
- Would there be a right to opt out of the National Forest?
- Are there existing regional areas that could be used to establish the boundaries, such as the Berkshire Highlands eco-region? Should consideration be given to areas outside of the Northern Berkshires?
- What are the criteria for the areas to be designated? Is USFS seeking open space, old growth, and/or endangered species?

Impact on Towns

- There are severe tax revenue implications for towns in this proposal. Privately owned or managed land within the National Forest on the tax rolls may be acceptable to towns, but any land that would be permanently removed from the tax rolls by being acquired fee simple by the state or federal government will likely not be supported.
- If the towns can be guaranteed payment in lieu of taxes (PILOTs), then maybe the model could work from a tax revenue standpoint. But to date the state has not followed through on its PILOT commitments, and PILOTs have been chronically underfunded and unpredictable. Towns need assurances beyond “subject to appropriation.” Would the state and/or federal governments be willing to guarantee PILOTs to the towns affected by the National Forest designation?
- Is this proposal just another way for the state to get out of paying PILOTs?
- Many towns have gone through land use studies, but they have gone nowhere. Could local land use plans, in which towns have worked through many topics relevant to the national forest idea, be incorporated into this process?
- How would this differ from current practices for towns under Chapter 61?
- Home rule should be preserved so local towns and boards can decide how to use and regulate land within their boundaries or jurisdictions. The National Forest designation would take away that local control.
- Some towns would be affected more than others. This impact needs to be taken into account both from a process standpoint and in the details of the National Forest designation.
- The state currently owns the majority of some towns’ land area (Clarksburg—53%; Florida 56%; Monroe—66%). This has made some of the hill towns almost non-viable as land is removed from the tax rolls and PILOTs are not made or are reduced. This has led to a reduction of town services. Why should these towns support an idea that would take even more land off the tax rolls? There should be a cap on the acreage that can be in state ownership and guaranteed revenues from any land taken off the tax rolls.
- Those towns without retail and other facilities where people can spend money (for example, motels, stores, etc.) and will likely experience only additional costs and burdens from this national forest model, as additional people come into their towns to hike and camp and cause increased road use, sewer, and trash, etc. leading to increased demand for police, fire, trash, water, and sewer services. Towns may also face an additional danger of forest fire from a combination of improperly managed forests and uneducated campers and hikers. For at least some, if not all, towns eco-tourism would likely be a loss, not a gain.
- If anything, there should be a moratorium on the state taking more land from towns unless it first addresses the need for guaranteed revenue to towns with State Forests in them.
- Most towns support the goals of controlling development and preserving open space. Unfortunately, there is no balance between working towards those goals and ensuring adequate revenue to support municipal services. Towns may end up going “under” financially from a loss of revenue when land is conserved.

- There's a significant difference across various towns as to level of land conservation and government intervention. In general, northern Franklin County voters are more favorable to government action than are voters in northern Berkshire County.
- What is the compatibility of the National Forest designation and other town land? For example, would towns retain wind rights? Could there be a mandated payment for hosting a use, for example a wind farm?
- It is unlikely that people would choose to put their land into CRs/National Forest because there is such distrust of the state and because of fear of loss of home rule. These fears are compounded by the current state proposal on wind power and state overruling local zoning.
- If this helped towns preserve their rural character, it would be welcomed, but only if the hurdle of distrust of government involvement were overcome and if the towns were compensated for any financial losses with a clear financial plan.
- State and federal agencies should explore the opportunity to use federal dollars to assist towns impacted by the presence of the national forest. For example, PILOTS are used to match current uses and under the Secure Rural Schools Act, 25% of gross receipts go back to towns for schools and roads. These types of opportunities can be explored for this proposal.

Access

- How will "reasonable public use" be defined?
- Landowners want to control public access in terms of types of use and quantity, not have those things dictated to them. Owners should get to decide what to do on their land and what public uses will be allowed.
- What does public access include? They could include: hunting, fishing, hiking, snowmobiles and other off-road vehicles. Some landowners may want to allow uses (like all-terrain vehicles) that are not allowed by the state. How would that work?
- Snowmobile access is a crucial economic driver in some towns, and so would have to be allowed for the national forest model to get local support.
- Recognize and address the distinction between passive and active use.
- How will impacts to private lands by public use be addressed? These could include dumping and general property damage.

Economic Issues

- How will economic development be addressed by this proposal?
- What restrictions will there be on the use of the land and products from the land that will affect economic interests, such as the forestry/wood products industry?
- Can forest products be required to be used locally, for example, for bio mass facilities?

- The state will need to take into account any impacts to the natural resource based economies of farming, forestry, and fishing.
- Would tying up land with CRs actually hurt the economy in some areas? For example, what if there is an approved development project that will create jobs, but where access is restricted by CRs on abutting land? What happens if CRs prevent access to an existing business center?
- People need to understand that some towns will not see any economic benefits since they don't have motels, restaurants, service stations, etc. for people to "leave money behind" when they visit.
- We have hardwood resources, but because there is no local market for logs, they are all taken out of the area. There needs to be a sustainable forest industry to encourage people to cut and take out trees.
- Real working forests could create jobs.
- Ownership of forest land is not viable now—unless a landowner can use the land, all that the landowner does is pay taxes on it. Often, the only way to re-capture value is to sell it.
- This national forest may provide opportunities to bring state and federal economic development dollars to bear on assisting towns with infrastructure (roads) and forest based economy issues (such as places for visitors to spend money and forest based businesses to get assistance).
- It isn't fair to use Western Massachusetts as an area to "save the land" and thereby degrade commercial/residential/industrial potential, and then continue to develop the rest of the state with pavement and concrete.

Benefits

- Applying more resources to forest-related issues such as research, habitat management, biodiversity support, assistance for forest management, and enhanced recreational use) would be good. But what strings would be attached to those additional resources?
- Getting access to more federal dollars for forest programs would benefit the state.
- More resources might mean better forest management on state lands, more assistance to private owners, and research that will help everyone better manage forest resources.
- A coordinated approach to issues like the establishment of trail networks, establishing and maintaining roads, etc. will be a significant benefit.
- The fact that the USFS wants to be in MA is an opportunity for MA to have this done the way we want it to be done, with a new model. We should look at this as an opportunity to propose very creative ideas. For example, it is a chance for federal agencies and conservation NGOs to work together to develop a broader contiguous easement area and for the state to continue to be an innovator and trendsetter.
- This would be a good opportunity for landowners to get desired and needed technical assistance in the form of dollars, outreach and education, as long as

local control is maintained. For example, perhaps federal dollars could be funneled to local groups, land trusts, etc., that would manage per local priorities.

- Given that most National Forests only have a third to a half of their land in actual public ownership, perhaps the model of CRs could be used elsewhere.
- Such a designation might significantly increase property values. While this would be good to some extent for property owners, it would also bring a higher cost to conservation through CRs and potential undesirable development pressures that make the forest and its current economy worse, not better. Any improvements to the state forest would be welcome as state forests are some towns' only revenue stream.
- It would be fabulous to put more land into conservation, especially if it is kept on the tax rolls. This protection of conservation land is important along the Connecticut River where there is the greatest development pressure.
- As an example of how the Forest Service could approach this concept, there could be a headquarters with a model forest, a campground, and a forest research facility staffed by State/Federal/NGO/University resources. This would provide a suite of services in one central location that could benefit all sorts of groups with an interest in forest-based resources. This presents an opportunity for all three branches of the National Forest Service to work together and thus offer more services than is typically available in a National Forest unit.
- The current situation as is will only get worse. Landowners that have land that is not usable as part of a forest-based economy will inevitably be under economic pressure to sell for its highest and best use, potentially development, and those parcels that cannot be developed will be taxed but not produce enough income to provide for their upkeep and management. As a result, ownership will become more fragmented and the forest based resources and the forest-based economy that still exists will be increasingly difficult to maintain. This approach presents an opportunity to stem the tide in a responsible manner. The goal can remain to keep as much of the land as possible in private hands, but with limited restrictions that preserve the forested character of the region. If we don't do something, our forests will end up being like farmland, gradually not usable because of economic and development pressure.
- Preserving wildlife habitats always scores high in surveys of priorities, but people need to understand that extensive areas of forest needed to sustain wildlife. Privately held forest land is one boundary buffer. If that is lost to development, it has a disproportionate adverse impact on the interior forest habitat that is needed to sustain wildlife. This national forest model would help preserve that habitat.
- There are opportunities here for a "public/private" partnership between and among state and federal agencies and departments on the one hand, and NGOs and universities on the other.

Other Existing Models

- We should review and consider existing models already in place prior to looking at a new model, including the Adirondack Park Agency.

- Aren't there other programs or models in existence that have already been tested and do an adequate job protecting forests? Why aren't they being considered as options by the state and USFS? Isn't there a model that brings federal dollars from multiple agencies in a coordinated way that is more flexible and less onerous than a USFS designation?
- Doesn't the Forest Legacy Program accomplish the same results as those proposed under the National Forest designation?
- The Chapter 61 process, while not perfect, seems to be accepted, people are familiar with it, and people use it. Could the Chapter 61 process be expanded instead of going the National Forest route?
- Why can't we just continue with the status quo? It may not be perfect, and it may be fragmented, but everyone knows how it works and it seems to work adequately. Why is this proposal so much better than the current system that stakeholders should want to support it?
- Has EEA talked to people/organizations in Vermont and New Hampshire, where there are existing National Forests? Their experience could be instructive for both the stakeholder engagement process and the substantive outcome of this process. We have heard that the towns there are not happy. The municipalities gave up land and saw their number of visitors increase, but those visitors didn't leave money behind.
- The Family and Ranch Land Protection Act may provide a good model. Under that Act, there is federal money for land protection, but the federal government only has a reversionary right and does not control the use of the land.
- Look at the Conte National Wildlife Refuge model. How it manifests itself depends on which region one is in. There is variety between the private and federal roles. This is a good, flexible, less invasive approach.
- Consider the NPS Model of National Heritage Areas. The intent of designation is to enhance the cultural, historic, and natural features of the area, including economic development. There is no federal ownership, but grants come through the federal government. Much of that money goes for land protection as areas that conservationists have identified as important.
- There are already entities that are purchasing land for conservation purposes, for example, the Berkshire National Resources Center just purchased some property and elements of the land purchase accomplish the same purposes.
- Won't some of the proposed plans duplicate existing plans? For example, Greylock Glen already has plans for a research center and campgrounds.
- Is there a way that private landowners could manage the land, but with federal help?
- Could this be linked to the Great Forest initiative?
- The New Jersey Pinelands initiative may be a good model. Federal dollars were made available to a region, and the state had to lead to decide how the money was spent.
- Although some other models may create a "virtual forest area," for example the being the Conte Wildlife Refuge, they may not bring the federal dollars and staffing to bear.

- The state could consider looking at one or more national park units, or a combination national park-national forest. There are several possible areas, such as the Berkshire Highlands region. This could include transferring state lands to the National Park Service and surrounding them with the new National Forest on private lands. The issue could be explored through a National Park Service Special Resource Study, which is a very thorough process that has been used for Chesapeake Bay and the New England National Scenic Trail.

Conservation Restrictions (CRs)

- How exactly will the conservation restrictions be defined and how will they work? We need more detail before we can react.
- Most stakeholders are familiar with the use of CRs. Chapter 61 already is being used. What are the details of these proposed CRs that make them different or better than current practice, and how would they relate to current CRs under Chapter 61?
- CRs were supposed to keep control at the local level and achieve a reasonable balance between private ownership and public rights (for example, access). Why is fee ownership necessary when CRs accomplish the same thing, while still leaving land in private ownership?
- Once CRs are in place, will there be a plan to monitor and enforce them, and adequate resources to accomplish monitoring and enforcement? Such resources have not been available to date, and land trusts can barely manage the easements they currently have.
- CRs create stakeholders who intervene when you want to use the land in traditional ways. People who come to recreate may not understand how things are done in rural areas. There are plenty of unintended consequences to this idea, however well meaning it may be.
- Will these CRs create more regulation and paperwork? It is already difficult to get things done under CRs. For instance, there's legislation suggesting that if you have a CR, you have to file a certain kind of forestry plan. That is an unfunded mandate on CRs, and future burdens cannot be predicted.
- Will this model adversely affect future generations? CRs may only benefit the current owner, leaving future generations with increased paperwork and regulations. Will this discourage people from keeping land in families or encourage splitting land up?
- If the state won't put CRs on state land, why ask private owners to accept them?
- Land with CRs is always undervalued by the state when it makes an offer.
- Is the real point of this proposal to get money pumped into the purchase of CRs? Most CRs are donated, and this proposal would get federal money to buy CRs?
- There would not be any impacts to the towns if the land remained on the tax rolls. If that were indeed the case, the towns would not be upset. If this designation took land off the tax rolls or decreased tax revenue (as Chapter 61 does), it would be a problem if people were shifting their land into this.

- CRs can be somewhat flexible, however, uniformity of easements is easier to manage for valuation, monitoring and enforcement. A successful example of uniform CRs was the North Quabbin Reservoir in which there were a limited number of negotiable restrictions.
- Could the valuation of CRs be pegged to the types of access permitted? That is, the more access given, the more value in the price of the CRs?
- How will land be valued under the CRs? Will there be uniformity? How will differential valuations be explained? Who will do the negotiating? Will there be consistency among appraised values in different locations? What about the duty to drive hard bargain?

Right of First Refusal

- The details of the right of first refusal need to be clarified. When would it be triggered? How would the offer price be determined for match purposes? Many factors affect pricing, for example, in selling/giving up development rights, the price will be affected by whether and to what extent the land is developable, how many lots are buildable, etc.
- Is the right of first refusal needed or helpful to this proposal? Even though the proposal is couched in terms of conservation restrictions, is it really a back door way to convert private property to fee ownership by the state and/or federal governments? Is this a veiled attempt to create a standard fee simple federal forest over time?
- How would this differ from the current practice under Chapter 61?
- If CRs are utilized, why is fee ownership also necessary?

Energy Issues

- How will this proposal affect the siting of energy facilities such as biomass, wind and solar?
- We have heard proposals for a thousand wind turbines in the Berkshires. In order to build such a great number of turbines, forest will have to be cut down and roads put in. Will there be visual impacts? What will happen to local control? The state is sending mixed messages about wanting to preserve forests on one hand and knock them down on the other hand.

D. FINDINGS ON PROCESS ISSUES

This section outlines the range of feedback, comments and suggestions from focus group participants and interviewees on the best way for the state and others to proceed with testing and exploring this idea. As in the previous section, many of the bulleted points represent comments made by several or many people.

Goals, Purpose and Timing

- Why is the idea of designating a National Forest being considered now? It was floated several years ago, there was some discussion, and then nothing further has been heard. We thought the idea was dead.
- What happened to the prior proposal? Why wasn't it pursued further? Whatever the reasons, they should be explained now.
- How does this idea align with the current DCR Forest Futures Visioning Process?
- EEA needs to be able to answer the following questions:
 - Why does it want to do this?
 - Why is it good for all the stakeholders (or at least better than the current situation)?
 - How would this work?
- EEA needs to consider a “do nothing” option.
- EEA needs to articulate the goals it is trying to achieve and how the options it is considering address those goals.
- The goals currently being articulated do not seem to match some of the proposed National Forest “new model” goals. For example, if one of the goals is a “family-based forest,” why would you have fee ownership passing to the government over time through the right of first refusal?
- What specifically is driving EEA to propose this approach now? The reasons for the proposal need to be clearly articulated: Is it to get more federal dollars, forest preservation, forest management, economic development, politics, environmental protection, address energy issues, or other (as yet unarticulated) reasons?
- The goals should be to keep the area contiguous, green, and maintain forest character with high quality resources. If people don't believe this model accomplish those goals, it will be a hard sell.
- There may be some confusion in the use of the term “family-based forest.” The intent appears to be to focus on private ownership, but “family-based” may be misinterpreted to mean recreation use.

Stakeholders

- Have all the groups that might be affected been contacted?
- The views of people in the eastern and western part of the state differ. We live and work in Western MA. The easterners may only have a second home here or visit here. They do not understand our interests or needs. How can we avoid having their interests and perspectives imposed on us with this model? Things that may make sense from a conservation perspective in the east don't necessarily make sense in the west.
- We need to have federal agencies at the table so that they can define their role. Also, the USFS is not the only Federal agency with an interest in these issues and EEA isn't the only state agency with an interest in these issues. Include Fish and Game, Agricultural Commissions, and others.
- We are concerned that the timber and forest industry will be included in the process but that preservationists will not.

- Most of this proposal will affect the local level, so each town should be contacted. The best way to get local feedback is through the Board of Selectmen.
- The State Legislature should be brought into the process early and kept apprised of the process and feedback from stakeholders.
- Local and county boards and chambers should be contacted and briefed.
- State foresters, state service foresters, and private foresters are key to these issues. They collectively need to be consulted early, frequently, and in detail to further provide advice and help shape this idea if it is to have any legs.
- Who is the state's driving constituency in this issue? Local landowners? Foresters? The residents of the region? State-wide groups? Urban populations? Land conservationists?
- Let conservation groups and coalitions know about this. They would support the idea and help spread the word.
- State employees need to be part of this process. They are responsible for managing many of the issues at stake here and they live in the communities that are affected. They are the ones who have to take phone calls from local people with questions about what is going on.
- We need to recognize that there are many different types of landowners. In one survey of 15 towns, we found 2000 landowners. There are different constituencies within landowners that need to be considered distinct.
- Unless the state and federal governments can win the trust and confidence of the Berkshire communities, the rest of the plan may flounder. There needs to be direct interaction with local governments and citizens, and the key questions in this report need to be addressed so that they clearly understand the issues and have reasons to support the proposal.

Outreach and Engagement Recommendations

- There should be small focus groups with stakeholders in addition to any big public process.
- For some aspects of this process, it might be better if state or federal staff not conduct the process. Consider getting some NGO co-sponsors.
- Present this idea at semi-annual selectmen dinners in the northwest where 13 towns' leaders meet.
- Hold information meetings with the Berkshire Managers Group and the MA Small Town Administrators and Managers Group.
- The state should welcome brainstorming on all possible approaches.
- Some town halls are too small to hold a large meeting. Consider holding sessions at senior centers, schools, and local colleges.
- Begin a process by briefing each municipality first. Only then go to larger public meetings. The Towns are the central stakeholders in this issue along with private landowners.
- Informational meetings should be held one during the day and once at night in all locations so that more people can attend.
- Decisions on this issue should be locally based, not decided by legislative representatives.

- The state should approach each and every select board to share their idea and get feedback.
- This process should be built from real give and take between the stakeholders and the proponents. The people with answers need to be at the hearings and meetings.
- The “open mike” type of public hearing will not work. There needs to be a limit on how long people can talk.
- Any meetings should begin with an explanation about what is being proposed, perhaps in the form of a PowerPoint presentation and handout. People need concrete information. Note that some town meeting places won’t be set up for Power Point.
- There should be a variety of different meetings at different times and different locations.
- There needs to be adequate advance notice of any meetings.
- Look at process models that didn’t work well, for example, biomass and wind, where most people don’t know anything about the idea, which created growing opposition. If there were a feedback process early on, a lot of that resistance could have been avoided. Need to bring lots of people into the discussion early on. State and USFS should hear their concerns early on. Need some kind of a visioning process like DCR forest visioning process, with representatives representing different constituencies. And if you can bring them onboard, they can go out to constituents and bring them onboard too.
- Why isn’t EEA first defining the problems and issues, then developing options to address them, then engaging the stakeholders to help the State arrive at the best solution(s)? It seems like we’re being presented with the one and only “solution” without first having defined the relevant problems or issues and the possible options to address them.
- For this process to be successful, EEA can’t give the impression that a decision has already been made (and hopefully, one hasn’t been made!).
- People should be given options to react to—not just either a blank slate or only the National Forest designation.
- Be flexible on the approach based on stakeholder feedback.
- We should present different scenarios side by side so that people can compare them.
- Where does the wild lands and woodlands initiative by the Harvard Forest people fit into this process—could it be a model?
- People need to feel that their opinions will have an impact, that considerable local control of local resources will be maintained, and that their local economies and traditions will not be harmed.

Transparency and Information

- Put the proposal on paper and then we can talk about it.
- How can stakeholders react to this proposal without more information on exactly what is being proposed and what options have been (or should be) considered?

- EEA has developed a transparency/honesty problem to date. This process should be transparent. Stakeholder groups should not be kept separate. Information on the entire process should be available to all stakeholders, and the top-down strategy should be reversed.
- Is there a place that comments should be sent?
- Information about the process should be put on a website, but not all interested parties will have access to email or the website.
- Information should be distributed through local media sources including town newspapers, via the Town Clerk, and through local cable access stations.
- What process was used to identify and notify interested parties about this focus group process? Why wasn't there general public notice? We are concerned that only certain people or groups were invited to participate, and that we found out about it at the last minute because we read an article about it in the local newspaper.
- We are concerned that when the Assessment Team says it will take comments questions back to EEA that that will permit EEA to shape its answers. It is unfair that we came with questions and can't get them answered. Is this just a way to be able to say we checked with Berkshire County prior to the state doing whatever it wants to do?
- The state needs to demonstrate that changes have been made to the proposal based on the public's input. It is important to be responsive to the people in developing this idea if you want their support.

E. PROCESS OPTIONS

Given the focus groups and interviews, we offer several options for how EEA and its stakeholders might move forward after the assessment process.

Process Options for Moving Forward

Given the range of views and suggestions people shared on both the substance of issues and the process, we believe that EEA might proceed in one of five ways upon the conclusion of the Assessment. We are not recommending which of these options is preferred, but rather offer these as options for further comment by the Commonwealth and its stakeholders.

- Option #1: No further action
- Option #2: Assessment Workshop
- Option #3: Refine and promote.
- Option #4: Refine and engage.
- Option #5: Step back and envision.

Option #1: No Further Action.

Under this approach, EEA and stakeholders would conclude that at this time it is not in the interest of the Commonwealth to further pursue the general or specific idea of some kind of federal-state partnership in this region.

Option #2: Assessment Workshop.

Through the focus group discussions, we received the following suggestions regarding the assessment process. These suggestions were:

- Provide us an opportunity to talk among different stakeholder groups where we can better understand issues and perspectives across interests;
- Reconvene the interviewees to jointly review the findings of this assessment; and,
- Provide us further detail and information on the idea.

Participants, in general, stated that the following questions need to be answered for them to be able to more fully consider whether some kind of federal-state partnership makes sense. These questions include:

- Why? Why is action needed, and why this action or approach in particular? What problem are you solving and is it our problem too?
- What? What is this model, in detail? Are there other models to consider?
- Where? Where are the potential boundaries and why?
- How? How will this be implemented over time?
- When? How long will this really take?

In addition, we heard several stakeholders stress how important it is to frame the conversation not just around land conservation or forestry, but around the more encompassing goal of a sustainable, natural-resource based regional economy that can preserve and enhance a valued, unique, rural, way of life. Many stakeholders noted that conservation of land from development as the primary goal is too narrow and that by itself it does not meet the broader needs and goals of many constituents.

Consequently, one option would be to hold an *Assessment Workshop* of all interviewees. After the draft assessment report is released for comment, all those individuals interviewed would be invited to a final half-day assessment workshop. This workshop would include the following elements.

- A frequently asked questions document that would be available ahead of time, based on the questions raised in the focus groups.
- A summary of findings from the assessment by MODR.
- Presentations from various perspectives on the challenges facing the region including such topics as natural systems, forestry, a forest-based economy, and tourism and recreation.

- An opportunity for small groups to further discuss and refine the challenges related to the natural-resource based economy.
- A presentation jointly from EEA and the USFS on the concept of an innovative forest service unit/partnership.
- A presentation of models in other parts of the country that include federal action at a regional level.
- An opportunity for participants in small and large groups to discuss what criteria any kind of federal-state action would need to entail to meet regional interests and to offer EEA, the USFS and other state and federal agencies their suggestions.

Option #3: Refine and Promote.

Under this approach, EEA would undertake the following steps:

- EEA and the USFS would *refine and clarify* the problem statement, the purpose of the new model forest service unit, and the objectives it will achieve. They would work to develop a specific, detailed, clear proposal to present to the public.
- EEA and the USFS would develop specific, readable, written outreach materials for release to the press and the public via various hard copy and electronic means (as many in the region may not have access to broadband internet).
- EEA and the USFS would engage stakeholders in public meetings, in smaller stakeholder meetings, and through existing venues such as association meetings, selectmen meetings, and so forth.
- Under this option, EEA would be primarily in the role of *advocating* a specific proposal.

Option #4: Refine and Partner.

Under this approach, EEA would undertake the following steps:

- EEA and the USFS would *refine and clarify* the problem statement, the purpose of the new model forest service unit, various choices and options for how the model could be constructed, and the objectives it will achieve, given the results of the Assessment Workshop. They would work to develop a set of specific, detailed, clear options to present to the public.
- EEA and the USFS would develop readable, written outreach materials for release to the press and the public via various hard copy and electronic means (as many in the region may not have access to broadband internet).
- EEA, the USFS, and possibly other agencies would engage stakeholders through *existing venues* including selectmen's meetings, association meetings (Associate of Private Foresters), stakeholder conferences (Land Trust conference), and with small, informal meetings (land owners, one-on-one, state foresters).
- EEA would be open to diverse and detailed input, and *potential substantial changes* to the initial idea. EEA would seek to identify key shared *criteria* that the model must meet to be acceptable and successful.

- After extensive and patient discussion and idea exploration within existing forums, EEA would further refine their ideas and then convene and engage in *public meetings* and workshops later in the process.
- Under this option, EEA would be primarily in the role of *engaging stakeholders* about a general proposal and then *partnering* with them to extensively refine, improve and decide whether to proceed with a final, specific, perhaps substantially changed proposal.

Option #5: Step Back and Envision.

Under this approach, EEA would undertake the following steps:

- EEA would *draft* a problem statement for the region and potential key criteria for any kind of regional action and state-federal action.
- EEA would partner with any number of regional and local professional associations, municipalities, regional economic development agencies, legislators, and others to co-convene a regional visioning approach.
- EEA and its partners would engage the public in *a visioning process* for the region that would develop a shared problem statement, regional needs, criteria for any action, diverse models for action, and pros and cons of each. This process might bring in any number of additional regional issues for discussion. EEA might need to bring in additional state agencies and interests to address the issues that arise in the visions.
- Under this option, EEA would be primarily in the role of *co-convening* a regional visioning process that might lead to any number of kinds of initiatives and actions.

Note: Under Options 4 and 5 the proponents and stakeholders would agree on a timetable to carry out the process so that there would be interim milestones and a finite end date for decisions to be made.

F. APPENDICES

1. List of interviewees
2. Interviewee questions
3. Invitation letter

APPENDIX 1: List of Interviewees

Last Name	First Name	Association
Astorino	Paul	Board of Selectmen, Cheshire
Backman	Andy	Director, Natural Resource Program, DCR
Baker	Rex	
Balardini	Thomas	
Balardini	Veronica	
Barrett, III	John	Mayor, North Adams
Beals	Whitney	New England Forestry Foundation
Bennett	Bruce	Hunting Guide, retired state employee
Bird	Leslie	
Brown	Edward	Landowner, Rowe
Brown	James	Board of Selectmen, Rowe
Brule	Tom	
Cohen	Russ	MA Riverways
Cooke	Boyd	New England Regional Director, Ruffed Grouse Society
Coxe	Greg	Mass. Forest Landowners Association
Dietz	Charlie	WAMC Public Radio
Dobbert	Christine	Town Administrator, Florida
Edwards	Christy	DFG, Land Acquisition Coordinator
Evans	Shep	HVA/Stockbridge Land Trust
Eve	Arthur	Mass. Woodland Cooperative
Feldman	Ben	
Ferare	Kristina	Mass. Woodlands Cooperative
Ferry	Al	Bolton Trust
Fetterman	Al	NRWA
Fleming	Mike	DCR
Fuller	Edward	DCR Service Forester
Gaffney	Dave	Forest Watch
Giftos	Peter	Berkshire County Republican Association
Gildesgame	Mike	Appalachian Mountain Club
Glendon	Marty	Glendon Farm
Gorman	Terri	
Heyes	Fred	Heyes Forest Products
Hinkler Brule	Jana	Town Administrator, Florida
Horton	Chris	
Howland	Gary	NQRLP
Hubbard	Rich	Franklin Land Trust
Humberdeau	Jennifer	North Adams Transcript

Jahnige	Paul	DCR
Jester	Mark	President, Berkshire County League of Sportsmen
Juckett	Ken & Jeannie	
Kaplan	Ira	Attorney
Karns	Nat	Executive Director, Berkshire Regional Planning Commission
Kellett	Mike	RESTORE: The North Woods
Koczela	Scott	Board of Selectmen, Savoy
Kondel	Greg	
Krol	Allison	Senator Ben Downing's Office
Labich	Bill	Regional Conservationist, Highstead
Lacour	Sarah	W.D. Cows
Lage	Kent	MA Farm Bureau
Lee	Vincent	New England Trail Riders Association
LeFave	Debora	Board of Selectmen, Clarksburg
Lockhead	Jack	Board of Selectmen, Conway
Loomis	William	Board of Selectman, Rowe
Lovejoy	Sam	DFG, Connecticut River Land Agent
Madden	Andrew	Western District Manager, DFW
Markowitz	Steven	Board of Selectmen, Windsor
McKinney	Carl	Board of Selectman, Clarksburg
Miner	Jason	The Nature Conservancy
Perschel	Bob	Northeast Region Director, Forest Guild
Peteroy	Alain	Franklin Land Trust
Regan	Dennis	HVA
Robb	Dave	DCR Management Forester
Ross	Keith	Senior Advisor, LandVest
Russell-Roy	Emily	Pacific Forest Trust
Scanlon	John	Forestry Project Manager
Schneider	Jeffrey	
Schroeder	Norain	BNRC
Selazo	Tim	DCR
Sloan	Peggy	Director of Planning & Development, FRCOG
Sorenson	Elizabeth	Director ACEC Program, DCR
Stover	Dick	Richmond Land Trust
Sweetser	Wendy	The Trustees of Reservations
Telan	Joshua Z .	
Wagner	Tom	Supervisor, USFS White Mountain National Forest
Webb	Tom	Town Administrator, Cheshire
Wilber	Bob	Mass Audubon (Land Conservation)
Winn	Jane	BEAT

APPENDIX 2: Interviewee Questions

The intent of the process would be to gather as much direct, detailed input from stakeholders themselves on how best they want to engage DCR and the USFS on the issue. We might ask such questions as:

- Tell me a little bit about your organization and interests in the region?
- Have you heard about the proposal to establish a new kind of U.S. Forest Service unit in the region? What do you know about it?
- What questions do you have about the proposal?
- What kinds of information do you need, on what, and in what format, to better understand the proposal?
- What are your concerns (taxes and PILTs, private property rights, regulatory overlay and restrictions, wood and wood products industry impacts, tourism and traffic, etc.)
- What are the opportunities you see for this proposal?

The USFS and EEA intend to carry on public engagement in the winter of 2009. They might use a variety of techniques and methods for doing so. We would like your views on how best to design that public engagement process.

- What are the characteristics of a good public engagement from your perspective? What would make it most meaningful and constructive?
- What kinds of meetings might be useful (large or small, focus groups or large public meetings, coupled with existing meetings of various groups such as Rotary, Farm Bureau, etc)?
- What kinds of information should be covered in meetings? How would you like the information shared (verbally, slides, maps, etc.)?
- What kinds of speakers would be useful and appropriate?
- How best should these meetings be managed (moderator, facilitator, etc.)?
- Where should meetings be held? What time? What kind of room arrangements?
- How best to get the word out of meetings
- Should the meetings be information oriented? Education-oriented? Obtaining feedback oriented?
- What other kinds of engagement would be useful (such as brochures, fact sheets, poster boards in local libraries, town halls, other)?

- Is there anyone else you think we should be interviewing and why? Here's our list of focus groups.
- Do we have your correct phone, fax, address, etc.? Preferred method of contact (phone/fax/email/mail)?

APPENDIX 3: Invitation Letter

Dear Berkshire Stakeholder;

The Massachusetts Office of Energy and Environmental Affairs (EEA) and its agencies work with municipalities, sportsmen, environmental organizations, recreational users, foresters and the forest industry and forest landowners in the Berkshires on a regular basis. EEA has been working with the USDA Forest Service for the past several years on a new model for a “family forest-based” National Forest designation with a goal to support and expand high quality forestry and forest recreation, conserve working forests, respect private land ownership and support the tax base of small rural communities.

EEA conducted initial outreach to a broad range of stakeholders several years ago that resulted in this new model for a “family forest-based” National Forest designation that was developed in close collaboration with the U.S. Forest Service. The key approach in this concept is that land within the designation would principally stay in private ownership with “conservation agreements” between landowners and government conservation agencies that would limit residential development but encourage high quality forestry and forest recreation. Landowners would be fairly compensated for recording these agreements and would continue to pay property taxes to the town.

In order to gain insight into stakeholder’s thoughts on this concept, EEA has engaged the Consensus Building Institute to conduct “focus groups” with stakeholders this winter to hear concerns and ways that this concept can better meet these goals. I would greatly appreciate your considering participating in a discussion with CBI (Pat Fields of CPI or Loraine Delaporta of our state collaboration office). Pat or Loraine will be contacting you soon.

Thanks for your assistance in discussing this concept.

Bob O’Connor
Director of Land and Forest Conservation