

Maryland Environmental Trust
Board of Trustees Meeting Minutes
October 3, 2016

Maryland Environmental Trust ("MET") Board of Trustees ("Board") Chair James W. Constable called the meeting to order at 6:44 p.m. at 100 Community Place, Crownsville, Maryland 21032. Trustees in attendance were James Constable, David Greene, Steve Quarles, Judge Jay Plager, Mary Burke, Toby Lloyd, Connie Lieder, Tom McCarthy, Doris Blazek-White, Sen. Adelaide Eckardt and Geb Byron. Assistant Attorney General Kristen Maneval attended. MET staff Bill Leahy, Jon Chapman, John Turgeon, Michelle Grafton and David Minges attended. MD DNR employee Kevin Chesley attended.

I. Board Work Plan and Governance Topics

A. September 12, 2016 Board Meeting Minutes: *Mr. Quarles moved approval of the minutes with two (2) edits ("colder" to "coholder" and addition of missing word "to") and Sen. Eckardt seconded. MET Board unanimously approved and adopted September 12, 2016 Board Meeting Minutes.*

B. Chairman's Report:

Appointment of Governance Committee: Mr. Constable appointed the Governance Committee. The members are Judge Plager (chair), Mr. Quarles, Mr. Greene, Ms. Jitkoff and Sen. Eckardt. *Ms. Blazek-White moved, Sen. Eckardt seconded and the Board approved a motion consenting to these appointments.*

Mr. Constable updated the Board about DNR leadership's proposal to transform MET into a sub-unit of DNR's Land Acquisition and Planning unit (to eliminate a perceived duplication of services). This is coming at the intersection of both the perennial push by Department of Budget and Management to fold all DNR conservation programs under one roof and the newly-created Office of Transformation and Renewal's push for more efficiency in State government. DNR has already restructured its aquatic and administrative groups and is now discussing changes to the lands groups. Mr. Constable, Judge Plager, Sen. Eckhardt, Mr. Leahy and Ms. Maneval will meet with DNR leadership on September 30 to explore alternatives. MET presented a list of issues.

Mr. Byron arrived.

DNR must present its plan by October 14. The proposal that emerged at the end of the September 30 meeting is: (1) functions (and staff) associated with acquisition of new easements and easement stewardship would fold under LAP. These might be overseen by an advisory board; the question is whether that board could have independence / final decision-making authority on matters such as approvals needed for reserved rights and amendments that require exercise of discretion; (2) functions and staff associated with land trust assistance would spin off to a nonprofit corporation with new board. The MET Board retains final approval of any change that MET might agree to with DNR, and depending on the elements of the plan it might require approval of the General Assembly.

Judge Plager said that the proposal would require a transition period of up to five (5) years. The goal is to identify a mutually-agreeable arrangement that demonstrates efficiency improvements while preserving values important to MET and advancing its strategic plan. He added that Assistant Secretary Daryl Anthony offered assurances that staff positions would not be affected.

Trustees had questions about how the proposal would interplay with SB 4; how certain MET functions would be performed if transferred under LAP; whether prospective donors would still be interested in giving easements to MET if it were a sub-unit of LAP; who would perform the role of trustee of MET's portfolio of easements if MET had only an advisory board; whether legislation to this effect is likely to pass in 2017. Trustees who have given easements to MET in the past raised concerns about loss of MET easement oversight; the understanding that the easements would be overseen by an independent board; and whether existing landowners would object to the proposal citing charitable trust.

C. Director's Report:

Mr. Leahy reported that MET is moving forward with its strategic plan with its focus in four (4) major strategic areas. The Strategic Planning Committee will meet in late October. Mr. Leahy encourages continued feedback about the draft plan. He sees the need for a strong, private entity to engage in community conservation and support good planning. Mr. Leahy called on Ms. Grafton to present about the Land Trust Roundtables. This year's roundtables are focused on stewardship. Land trusts need MET to help them build capacity to monitor their easements; they face similar challenges, regardless of size and capacity. She described MET's initiative for LOCATE software and MET's collaboration with Chesapeake Conservancy.

Ms. Grafton departed.

II. Committee Reports

A. Easement & Stewardship Committee:

Mr. Turgeon presented the Consent Calendar:

New Easements:

•Proposed Donated Conservation Easement from Daniel A. Sperau and Melissa A. Sperau, 23.094 acres, Baltimore County

•Proposed Donated Conservation Easement from City of Salisbury, 81.73 acres, Salisbury, Wicomico County (to be coheld with Lower Shore Land Trust, Inc.)(updated from version approved by Board in April 2016, to revise acreage)

Mr. Quarles moved approval of the Consent Calendar, Mr. Greene seconded and the Board approved the motion.

B. Governance Committee:

Amendment to Bylaws

Judge Plager reviewed the proposed amendments to the Bylaws adopted on September 12, 2016. The main purpose of the Bylaw revisions is to incorporate the Governance and Land Trust Advisory Committees, though other revisions are proposed. *Judge Plager moved adoption of the proposed revisions in the draft Bylaws and two other revisions: changes to Article V, Section 6 (2) and Article XI to change the number of trustees who must agree to a Bylaw amendment. Mr. Quarles seconded and the Board approved the motion.*

Judge Plager stated that in the near future, the Governance Committee will be asked to convene to approve its charter.

Update on New Trustees to Be Elected as a Result of SB 4

Judge Plager updated the Board on MET's effort to adjust to the SB 4 requirement to elect four new trustees in October. In August, MET sent a list of five prospective trustees to the Governor, Speaker of the House and President of the Senate, but has not yet received recommendations from them.

C. Finance Committee:

Ms. Blazek-White reported that there is no financial report this month. The Board previously approved \$15,500 in the non-State budget for LOCATE software. *Ms. Blazek-White offered a motion to amend the non-State budget to increase the amount allocated for such software by \$50,000 for a total of \$65,500. To the extent such software would be used to monitor Rural Legacy easements, funds could be drawn from the Rural Legacy stewardship funds. Mr. Chapman, Mr. Minges and Ms. Grafton have researched it extensively and predict up to 20% time savings for staff. Sen. Eckardt seconded, and the Board approved the motion.*

D. Land Trust Advisory Committee: Mr. Leahy noted that that the Committee has been discussing whether to publish a scorecard of local land trusts.

E. Agriculture Committee: Mr. Greene noted that the Committee made contact with the Farm Bureau. Mr. Lloyd then described that the Committee had met in reaction to Land Trust Alliance's proposed new standard that would require land trusts to obtain a Phase I environmental assessment before each easement or fee acquisition. Mr. Greene stated that Maryland Agricultural Land Preservation Foundation and DNR's Rural Legacy require a Soil and Water Conservation Plan, and since 90% of cropland already has such a plan, the Committee recommends that the Board consider requiring this for MET easements also. Mr. Chapman clarified that MET does not require a Soil and Water Conservation Plan except in the case of a purchased easement, and does not require a Forest Stewardship Plan unless there is a reason (like habitat for forest interior dwelling bird species) that there should be permanent forest cover.

IV. Adjourn: The Board voted to adjourn the meeting at 8:20 p.m.

Respectfully submitted,



James W. Constable
Chair

These minutes were approved/revised by the Board of Trustees on November 7, 2016.

Attachment(s):

Please note that for most attachments listed and that are considered regular meeting handouts (like Stateside Budget/Finance, MET Administered (non-State) Funds Budget/Finance and Director's reports), a copy is stored with Handouts and MET Board Packets for the meeting at which that information was distributed to the Board. In that case, a duplicate copy will not be attached here.