

Maryland Environmental Trust
Board of Trustees Open Meeting Minutes
February 6, 2023

Trustees Present:

Gary Burnett, Chair
Greg Bown, Vice Chair
Mark Hoffman, Vice Treasurer
Megan D'Arcy, Secretary
Thomas (Toby) Lloyd
Megan Benjamin
Lori Lynch
Nathan Volke
Diana Conway
Craig Highfield
Keith Colston

Trustees Absent:

Julia Jitkoff, Treasurer
Susanne Richards
Tom Prevas

Others Present:

John Turgeon, Director, Maryland Environmental Trust (MET Staff)
Phil Hager, Assistant Secretary, Land Resources, MD Dept. of Natural Resources
Jon Chapman (MET Staff)
Michelle Grafton (MET Staff)
Josette Markline (MET Staff)
Michael Mingus (MET Staff)
Kelly Price (MET Staff)
Wendy Foster (MET Staff)
Cindy Hoffmann (MET Staff)
Talley Kovacs, Assistant Attorney General (Office of Attorney General)

I. Call to Order

Board Chair Gary Burnett called the regular meeting of the MET Board of Trustees to order at 4:08 p.m.

II. Minutes of the November 7, 2022 Regular Meeting

Chair Burnett called for a motion to approve the minutes of the regular meeting of the Board of Trustees held on November 7, 2022. Mr. Hoffman motioned to approve the minutes; Mr. Lloyd seconded the motion. All voted in favor.

III. Chair's Report

Chair Burnett called attention to the summary report provided in the board packet regarding the Keep Maryland Beautiful (KMB) grant results for fiscal year 2023. He highlighted the summary noting the funding sources and how the grants were distributed.

Chair Burnett called for a motion to approve the Keep Maryland Beautiful FY 23 Grant Awards. Mr. Lloyd moved to approve the motion; Mr. Colston seconded the motion. All voted in favor.

Chair Burnett gave a brief overview of the duties of the Governance Committee. He noted that the Committee voted to nominate Nathan Volke to serve on the committee.

Chair Burnett called for a motion to approve Nathan Volke to serve on the Governance Committee. Mr. Lloyd approved the motion and Mr. Hoffman seconded the motion. All voted in favor.

Chair Burnett noted that MD Natural Resources Code Ann. § 3-204(g) states that MET may appoint an advisory council. He stated that advisory council members may serve on MET committees and take part in votes by committees to make recommendations to the full Board of Trustees.

Chair Burnett motioned to appoint Ann Jones, Charles Wells, and Wendy Stringfellow to MET's advisory council. Mr. Hoffman seconded the motion. All voted in favor.

As a result of the strategic planning process Chair Burnett will be setting aside time at the end of the Chair's Report at each meeting for Trustees to get to know a little more about each other. At this meeting, Gary Burnett, Greg Bowen, and John Turgeon introduced themselves and gave an

overview of their background.

Mr. Turgeon and Chair Burnett raised the topic of proposed House Bill 631 ([HB631](#)), in which Mr. Turgeon provided a copy of the draft bill to Board members via email prior to the meeting. Mr. Hoffman gave a brief history of the bill and its provisions, which include a land trust revolving loan fund. He stated that last year a bill ([HB1031](#)) was proposed for this topic and a Greenspace Equity Program that were combined as one piece of legislation, but that bill did not pass in the General Assembly. This year sponsors and advocates bifurcated the programs into two separate bills. Mr. Hoffman noted that there is a Greenspace Equity Bill ([HB 503](#)) which is related to land conservation but does not directly affect MET. Mr. Hoffman highlighted specific areas of HB631 that affect MET.

- Page 3, line 5: “In fiscal year 2025 and each fiscal year thereafter, the Governor shall include in the annual budget bill an appropriation of \$235,000 to the Trust....”. Mr. Hoffman pointed out that it would be the responsibility of MET to administer the program.
- Page 4, line 13: “There is a local land trust revolving loan program.” Page 6, line 13: “In fiscal year 2025, the Governor shall include in the annual budget bill an appropriation of \$10,000,000 to the fund.”
- Page 4, line 17: “Provide revolving loans to land trusts on a rolling basis to assist the land trusts to purchase property.” Mr. Hoffman noted that this is similar to a current law regarding a land trust revolving loan fund that has been dormant for a number of years. MET would be responsible for administering this program.
- Page 7, lines 15 and 16: Establishes two goals
 - 30% of Maryland’s land is conserved by the year 2030
 - 40% of Maryland’s land is conserved by the year 2040
- Page 8, lines 14 and 16: Establishes the 40 x 40 Land Conservation Implementation Grant Program. \$250,000.00 will be awarded annually, competitively, to a state-wide non-profit organization that focuses on the permanent conservation of Maryland’s land. MET would be responsible for administering this program.

Mr. Hoffman stated that, at this time, DNR’s position on the bill is unknown. He noted that the Board is concerned about the extra burden this would put on MET staff members.

Mr. Hager stated that MET has the authority to make the decision as to whether it agrees with the section regarding the funding for the KMB grants. The majority of his comments were related to items on page four of the bill. He recognized that perhaps there might be an opportunity for MET to do outreach but there are some parts of the bill that are cause for concern. He is worried that if MET is put in charge of administering these programs, it could potentially create friction between two competing DNR units (MET and LAP) since there are overlapping roles among

them. He noted that this bill would require MET to understand all of the state's easement and acquisition programs (Rural Legacy, DNR Acquisition, Fee simple, etc.) which are outside of MET's current obligations. If MET chooses to outsource the administration of the grants, then the contractor would also be required to have knowledge of the above-mentioned programs. He agreed with Mr. Hoffman that this bill will create staffing challenges for MET. He encouraged MET to forecast those challenges and to propose solutions. Mr. Hager noted that he expects this workload would require one, if not two, full-time employees. Mr. Hager called attention to the use of the term "timely manner". He expressed his concern that local land trusts might move quickly with an acquisition, or an easement based upon the expectation that, once secured, the state would refund the money. He stressed that the land trusts will still be required to satisfy whatever obligations are already established by the associated program. He noted that current programs perform due diligence tasks to ensure a property meets the criteria for conservation. He is troubled that important information about the land, such as contamination, could potentially be missed because of this speedy process. Mr. Hager also noted that the bill refers to things outside of Program Open Space such as county easement and acquisition programs. This, again, is another set of regulations that MET would be required to familiarize themselves with.

Mr. Hager stated the DNR has not had formal discussions regarding their stance on the bill. He identified the regulations in this bill as complex tasks which could potentially create difficult situations for MET. He suggests that MET proactively address some of these principal concerns and make recommendations that could result in a better bill.

Mr. Turgeon stated that the Conservation Fund's business model is to acquire land with the intention of transferring it to a governmental partner, which could take a long period of time, whereas this bill is modeled to be more like a bridge loan.

Chair Burnett stated that he wanted to make the Board aware of the bill as it mentions MET several times. He anticipates further discussions by the Executive Committee and that, by the next meeting, will have a clearer picture of MET's position on the bill.

There was a brief discussion on the difference between the original bill submitted last year (HB1031) compared to what is in this bill. Mr. Turgeon gave a brief synopsis of how MET responded to that bill.

IV. Director's Report

In lieu of a written director's report, Mr. Turgeon shared a presentation that was given at the new board member orientation meeting. Mr. Turgeon and Chair Burnett thought this was a great tool to be presented to all Board members as a refresher of MET's role in land conservation.

V. Committee Reports

A. Governance

Mr. Lloyd commended Ms. Kovacs, Mr. Roger Medoff (OAG) and Mr. Turgeon for their hard work in drafting the final bylaws to be presented for a vote.

Mr. Lloyd motioned to approve the revisions made to the Maryland Environmental Trust bylaws based on the recommendation of the Governance Committee. Ms. D'Arcy seconded the motion. Mr. Colston abstained from voting. The remaining board members in attendance voted in favor with no further discussion.

Mr. Lloyd mentioned that the Maryland ethics financial disclosure must be completed by April 30, 2023. He stated that he and Mr. Turgeon will work on filling the two remaining vacant board seats. They plan to conduct face-to-face meetings with the House and Senate offices.

Chair Burnett and Mr. Turgeon recognized Mr. Lloyd for his extensive work and dedication to drafting the bylaws.

B. Finance

Mr. Hoffman pointed to the current financial statements and noted that MET has thus far spent approximately \$56,000 of the budgeted \$142,000.00. The financial market has been performing well and the investment accounts have benefited from this.

Mr. Hoffman made a motion for the board to approve the financial statements as presented. Mr. Lloyd seconded the motion. All voted in favor.

Mr. Hoffman noted that the Finance Committee reviewed a request made by the Catocin Land Trust asking MET to grant them an amount of \$165,000.00. At the meeting held on January 30, 2023, the committee came to an agreement to recommend that the Board deny the request.

Mr. Hoffman made a motion to recommend that the Board deny the request of \$165,000.00 from MET's Board-administered funds made by the Catocin Land Trust. Mr. Lloyd seconded the motion. Ms. Conway was not in favor. The remaining members in attendance voted in favor of denying the request.

C. **Lands**

Ms. Benjamin noted that the Lands Committee met on Jan 25, 2023. The committee charter was reviewed during that meeting which was included in the latest version of the bylaws approved at this meeting.

Consent Agenda

- a. Update to MET Model Deed of Conservation Easement

Ms. Benjamin moved to approve the Consent Agenda. Ms. Conway seconded the motion. All voted in favor of approving the item on the consent agenda.

Mr. Mingus updated the Board on the present activities of the MET Easement Program. He noted that, to date, there have been 9 conservation easements recorded in FY23 and that there are 17 additional active projects being worked on. He stated that the Crownsville Hospital easement will be recorded very soon. He also stated that the Boehm easement project, also in Crownsville, (that has been ongoing since 2014) is well on its way to being recorded in the near future.

Mr. Chapman stated that MET staff has processed 365 easement monitoring reports for FY23 so far. He noted that 78% of the monitoring visits conducted between July 1, 2022 and December 31, 2022 were conducted utilizing the Lens aerial imagery system. He also reported that the local land trusts have been actively submitting reports for co-held easements, with the largest contributor being Eastern Shore Land Conservancy (ESLC). Mr. Chapman pointed out that 53% of the site visits conducted by Stewardship staff were to establish a relationship with new landowners. He credited Ms. Markline with this accomplishment.

Mr. Chapman announced that he will be retiring from MET effective July 1, 2023.

D. **Land Trust Outreach Committee**

Mr. Bowen recapitulated the volume of monitoring reports received by MET's Land Trust Advisory Staff from local land trusts. He mentioned that staff attended DNR's Internet Conference Meeting and have made great efforts to improve MET's website. He indicated that staff has been busy with various outreach publications.

Mr. Bowen stated that on November 30, 2022, MET and Forever Maryland hosted a joint in-person workshop which centered around the topic of succession planning. Mr. Bowen reported that there were 38 people in attendance.

Mr. Bowen advised the Board that MET staff attended Forever Maryland's Intro to Advocacy event held on January 27, 2023. The event included training and a tour of the House, Senate and Maryland State House. The event concluded with lunch and the opportunity to attend a quarterly Executive board meeting. MDA's Secretary, Kevin Atticks, and DNR's secretary, Josh Kurtz, were introduced at that meeting.

Mr. Bowen reported that MET and DNR's Forest Service have been collaborating on a project which involves reaching out to MET's easement landowners informing them of DNR's Five Million Trees Program.

Mr. Bowen reported that the MET FY 2022 Annual Report has been submitted to DNR and that the 2021 Report is still in the process of being finalized.

Mr. Bowen called for a motion to accept the Cooperative Agreement between MET and Broad Water Innovations. Diana Conway seconded the motion. All voted in favor with no further discussion.

VI. Other Business

Nothing to report.

VII. Adjournment

Chair Burnett called for a motion to adjourn the meeting. Mr. Colston made the motion; Mr. Hoffman seconded the motion. All voted in favor.

The meeting was adjourned at 5:43 p.m.