

VINEYARD CONSERVATION

FALL / WINTER 2018

Inside: Apply the Brakes • Tea Lane Conservation History • Stopping CR Abuse • New Moshup Trail Legal Challenge • Waste Reduction & Water Bottle Refill Stations



EST. 1965

VCS

CONNECT PROTECT
REFLECT

It's Time to Apply the Brakes

Thirty years ago, the subject of our cover photo, the iconic Tea Lane in Chilmark, was saved from a fate of suburban development thanks to the generosity and cooperation of many individual landowners. In the decades since, there have been many conservation wins, and more than a few losses as well. It is at once obvious yet frequently overlooked that this is an island of finite size — what open space we do not proactively conserve in perpetuity **will be** built out eventually.

However, when looking at the big picture of growth and development on Martha's Vineyard, conservationists and planning agencies alike see opportunity. Unlike, for example Cape Cod, much less the rest of the nation, our island is not under immediate pressure to widen roads, install traffic lights, or build new sewage treatment plants and other multi-million dollar infrastructure. At least not yet.

Here, they see open space — intact, functioning natural habitats — and broad public support for conservation. On the Vineyard, critical open space has been categorized into five broad "Eco-Regions": Central and Coastal Sandplains, and the Eastern, Western and Aquinnah Moraines. The necessity of maintaining connections between these Eco-Regions, and conserving a minimum viable size necessary to keep them biologically functional (and restoring them where necessary), is an important conceptual underpinning of the work of VCS and our colleagues.

There is a problem, however.

Martha's Vineyard is an island of some 57,067 acres. Conservation efforts over the last century have protected just under 20,000 acres (about a third of the total acreage of the Island). However, another 18,000 acres of woods and fields — about **half** the open space that we presently take for granted — remain available for development.

That development capacity is troubling. Our local economic climate of rapid growth is steadily eclipsing the conservation opportunity, threatening to decimate the integrity of the Eco-Regions, while bringing infrastructure demands crashing down upon the Island community. Simply stated, growth continues to outpace conservation success. Each year, about 600 additional acres of land are developed and only 150 acres are protected as open space. Our regional planning agency, the MV

Commission, calculates that ultimately about 80% of the available open space will be lost, while 20% will be conserved.

Using other projections from the MVC, that "80-20" future translates into about 7,000 additional main houses with 9,000 additional guest houses, along with a near doubling of the year-round population and a corresponding increase in the summer population.

Despite these grim projections, as of today, the conservation opportunity remains. To protect drinking water and coastal ponds, prime agricultural soils, scenic resources, and wildlife habitat, let us commit to a strategy that transposes this 80-20 scenario. A **20-80** vision of the future would entail conserving most of the available open space on Martha's Vineyard. Smarter, well-planned development of 20% of the existing open space (along with strategic "un-development" and habitat restoration where the built environment encroaches on vital Eco-Region connector areas) makes it possible to provide affordable housing for a growing human population while protecting the natural resources — beloved by residents and visitors alike — that define the Vineyard.

Where to start? How do we "apply the brakes" and shift our future from 80-20 to 20-80? Regulatory intervention is one important tool to slow the rate of growth and buy time for conservation to catch up. Time allows for Land Bank revenues, accrued through real estate transactions, to build, making more conservation purchases possible. It also allows for the drafting of future conservation restrictions (CRs), another vitally important tool for land preservation. (Elsewhere in this newsletter, two interesting stories illustrate well the power of CRs to both promote and, sadly, undermine the goals of conservation; see pages 8-9.)

However, in the long run, buying time will not by itself be enough to save what we love about Martha's Vineyard. Ultimately, it will take a community committed to an ethic of sustainability to counter the exploitation of our island's natural resources in the pursuit of short-term profit. In the face of this pressure, we must continually be reminded of what is truly most valuable on an island defined by natural beauty. Despite the fable's warning, no one "kills the golden goose" consciously; it is an accident borne of overly narrow focus, and often only obvious in hindsight.

Therefore, just as we work to preserve open space and natural habitats, VCS will also continue our efforts to promote that broader vision of sustainability. Reducing our impact on the land through waste reduction is one focus, including, for example, the installation of water bottle refill stations across the Island (pg 4) and encouraging alternatives to disposable plastic packaging (pg 5). As always, another focus remains the cultivation of values of environmental stewardship in the next generation through education and outreach programs (pg 6-7), including the now-annual high school art contest, winter walks series, and Earth Day Beach Clean-Up.

Finally, as we simultaneously seek to "apply the brakes" on overly rapid development while charging full-speed-ahead on promoting a more sustainable Vineyard, we pause to thank you, the members, friends, and supporters of Vineyard conservation who make this ambitious mission possible. Thank you!

Upcoming Events

WINTER WALKS

Quenames & Black Point

November 19

Featherstone

December 10

Sense of Wonder

January 14

Woods Preserve

February 11

Manuel Correllus State Forest

March 11

VCS has been sponsoring free guided walks for thirty years. This winter, join your conservation-minded friends and neighbors for an educational and invigorating exploration of the outdoors!

Walks are typically held on the second Sunday of the month, starting at 10 am. Times and dates are subject to change, so please call in advance or check our website for details.



The 26th Annual EARTH DAY BEACH CLEAN-UP

On April 21, 2018, join friends and neighbors in this Island-wide tradition. Volunteers will be stationed at over 20 beaches with everything you need to help protect our marine environment — all you have to do is show up!

Vineyard Conservation Society

OFFICERS

President

Jim Athearn

Vice President

Joan Malkin

Treasurer

Bruce Golden

Clerk

Marc Rosenbaum

DIRECTORS

John Best

Susan Feller

Larry Hohlt

Linda Jones

Michael Loberg

Bart Partington

Farley Pedler

Bill Randol

Arnie Reisman

Jim Reynolds

Warren Woessner

Jesse Ausubel

Science Advisor

VCS OFFICE TEAM

Executive Director

Brendan O'Neill

Operations & Membership

Signe Benjamin

Communications & Ecologist

Jeremy Houser

Education & Youth Outreach

Samantha Look



VCS

CONNECT PROTECT
REFLECT

PO Box 2189 Vineyard Haven, 02568

vineyardconservation.org

(508) 693-9588

Bring Your Own...?

Next Steps in Waste Reduction Initiative

We have extra occasion to celebrate this New Year's, as the "Bring Your Own" initiative marks two major milestones. It is the first anniversary of the adoption of the plastic bag ban in five of our towns, a process that has gone more smoothly than could have ever been expected. In addition, **this January Oak Bluffs joins with the rest of the Island**, having adopted the BYOB bylaw last spring. Many thanks to all of the business owners for their enthusiasm during the transition, and to the many customers who are already remembering to BYOB while shopping. We are excited to see the entire Island finally united in this effort to protect wildlife and reduce ocean pollution!

BYO BAG GIVEAWAY

In celebration of these milestones, VCS has created new reusable bags that will be available for free at local retailers this winter. Made of 100% recycled cotton and featuring our new "Bring Your Own" logo, these big-and-beautiful bags make a wonderful gift, as well as a helpful reminder to bring your reusable bags wherever you shop — not just the grocery store. We all forget sometimes (yes, including the staff and board at VCS), but please don't give up!

We hope this gift to the community will inspire everyone to give back to the natural world through their daily decisions to reduce waste and conserve energy. Where the bag ban bylaw applied only to plastic bags, allowing for

the continued use of recyclable paper bags (which have their own environmental downsides), the larger benefits will come from our individual efforts to BYOB.

The new bags are going fast through the early part of the holiday season — but keep your eyes open while shopping this winter and you might get to be another lucky ambassador for the BYO message!

TAKE BACK THE TAP

The "Bring Your Own" initiative is about more than plastic bags — it is about a cultural shift toward being more thoughtful about our use of natural resources. While the bag ban stole the news spotlight as it moved noisily through the political process, we have quietly been working to tackle another of the most pernicious sources of waste in the modern world: that ubiquitous disposable plastic water bottle.

This fall, we are celebrating the completion of the first phase of a project to install water bottle refill stations in every K-12 school on the Island. The new units, which dispense cold, filtered water, while tracking and displaying the number of disposable bottles saved, are a huge hit with students and staff. The most exciting result so far is that we are already seeing schools move to stop offering disposable water bottles with lunch.

The next step is to make the refill stations available throughout the broader community. We have already installed them at the Boys & Girls Club and the new MV Ice Arena, and are presently working with the towns to bring them to other high traffic areas where they will see the most use. The average American uses 167 disposable plastic water bottles per year (and only a small portion are recycled), which works out to millions per year on the Vineyard. That is not a trivial waste management issue. So, beyond the environmental impact, towns have a lot to gain from the initiative.



Kids at the Boys & Girls Club try out the new bottle filler station. Photo by Jesse Damroth

FALL FESTIVALS FOCUS ON WASTE REDUCTION

This fall, VCS activities at the annual Agricultural Fair and Living Local Harvest Festival brought the focus on waste reduction to a large audience. We created a visual display for use at both events encouraging visitors to "Bring Your Own" reusable bags and water bottles, and also to ponder what other items they could BYO in the future. Particularly striking was the photo of performance artist Christine Ren shopping in a sea of plastic. (Observant readers may have noticed this image on our large posters at Cronig's Markets this year!)

At the Living Local Festival, we teamed up with our long-time collaborator in waste reduction, Nina Carter Hitchen. Setting up next to the VCS table, Nina displayed a beautiful collection of items to allow one to truly go "Zero Waste." We hope that between our Bring Your Own ideas, and Nina's concrete examples for everything from shopping containers to toothbrushes, everyone learned at least one new way to reduce waste.

In a highlight of the festival, Nina joined with Tyson Bottenus from Clean Ocean Access, Clint Richmond of the Mass Sierra Club, and our own Samantha Look for a presentation and roundtable discussion moderated by Heather Goldstone of WCAI radio. A sailor, writer, and activist, Tyson had presented this spring at the Earth Day Beach Clean-Up, and is a tremendous source of information and inspiration. Likewise, as an expert in plastic waste and environmental policy, Clint was our regular advisor during the drafting and passage of the plastic bag ban, and continues to advise on our ongoing waste reduction efforts.

LIVING A LIFE WITHOUT PLASTIC

an interview with Nina Carter Hitchen

The driving force behind "Plastic Free on MV," Nina shares her thoughts on the Zero Waste way of living. She had many more specific tips and suggestions than space allowed; to learn more, find her on facebook, or contact our office!

When you made the move to a "life without plastic," did you make all the changes quickly, or was it more of a gradual process?

It's been gradual. In 2010, when I was pregnant with our twins, I decided to rid my kitchen of plastic. At the time I was concerned about its health effects, but unaware of the waste and pollution issues. Little by little, I replaced Ziploc bags and Saran wrap with reusable containers and beeswax wraps, then the plastic containers with Pyrex and glass jars. Over a couple of years I culled our kitchen tools in favor of wood, glass, and stainless steel or cast iron.

In 2014 I learned about the Zero Waste movement — people who had "quit plastic" — and decided that this was what I wanted to do. I already used reusable shopping bags and water bottles, but quitting plastic entirely involved an initial investment in some additional reusables,

The "Breaking Up With Plastics" panel, left to right: Heather Goldstone, Nina Carter Hitchen, Tyson Bottenus, Samantha Look, and Clint Richmond. Photo by Brendan O'Neill.



Photo by Brett Stanley, used with permission

like cotton produce bags, stainless steel straws, bamboo to-go utensils and glass storage jars. I was on a tight budget, but found a way. I sold things we no longer needed and put the cash toward reusables. As products ran out or wore out, I would replace them with the "un-plastic" alternative.

I looked at all the food I bought and considered alternatives. The easiest switch at the grocery store was realizing all the unpackaged items — produce, bulk bin items, anything from the salad bar or deli counter — can all be purchased in a reusable bag or your own container! For things that aren't available unpackaged, I opt for glass or paper packaging over plastic.

For the things that are only available packaged in plastic, I've mostly either learned to make it or live without it. I've learned to make tortillas, yogurt, hummus, and crackers, and other products like toothpaste, deodorant, and dish soap. A major "aha!" moment was realizing that making those things myself meant I knew exactly what was going into them — not the preservatives in packaged foods or harsh chemicals found in many body and cleaning products.

What plastic item did you think would be very difficult to do without, but instead you discovered a great solution?

There are so many examples! I took on the mindset that I had to focus on one change at a time to not get overwhelmed. And I've been persistent and determined, willing to try, and fail, and try again. When I first tried making tortillas, it was a massive undertaking and my family hated them! But now I'm a pro, my family loves the homemade tortillas and I can whip them up in no time.

Now, the flip side: What plastic item has turned out to be the most difficult to do without?

There are lots of things we simply have learned to live without, but I don't see it as difficult because it's a choice to live in a way that is healthier, more beautiful, and better for the planet. With food, the degree of packaging directly correlates with processing and preservatives. So for a lot of things, like soda or chips, it's probably not something we really want or need anyway. Then, there are the things I'm still working on: tofu, pasta, and chocolate chips, and laundry and dishwasher detergent are at the top on my list for finding plastic-free, or making myself.

I have found the greatest challenge is the social aspect. What do you do when you're at a dinner party where your friend only has plastic cutlery out? Is it rude to



Bag Ban Progress at the State House

On the statewide front, a major step forward occurred on November 29th when the Boston City Council voted unanimously in favor of their plastic bag ban. When VCS began research into a possible bag ban in 2015, there were just 11 towns in Massachusetts with any sort of bag bylaw. Only two years later, now Boston could become the 60th! Boston's bag ban still needs the signature of the mayor, who has expressed some reservations, but this rapid progress across individual communities, from small to very large, is an encouraging sign for the prospects of a state law passing sooner rather than later.

In addition to the core purpose of protecting our own local environment, it has been an uplifting experience to be part of a larger movement. Each town that passes a bag bylaw inspires nearby towns to feel emboldened to tackle the issue. As the number of participating towns grows, statewide action becomes inevitable. The rate of change is exponential — with any luck, in a few years neighboring states will take notice!



At Citrine in Vineyard Haven, Mary McCarthy proves that BYOB isn't just for groceries anymore! Photo by Signe Benjamin

use the bamboo set I have in my bag? Or you're out to dinner and you ask the waiter "no straw, please" . . . and then he turns and asks the rest of the table if they want straws.

But I've also found there's a space between massive consumption and "doing without." Telling my kids they couldn't have plastic toys didn't work. I tried. My son asked for a Captain America action figure one Christmas. I couldn't bear getting it for him. But then, he still wanted it the following Christmas. So I ordered it used on eBay, and requested no plastic shipping materials from the seller. The toy is plastic, but it was used so it wasn't adding anything new to the waste stream. This was a great lesson for me – now, if there's something I need that is plastic (like a raincoat), I buy it secondhand.

How did your collaboration with VCS on plastic waste reduction begin?

VCS played a huge role in my journey to life without plastic. The timing of the plastic bag bylaw initiative coincided with my research into Zero Waste, learning for example about how recycling is not such a great solution, which rocked my world. I attended a bag ban info session, and that was the first time I learned about the terrific ills of plastic pollution. I remember my Mom telling me, way back, about places in California that had banned plastic bags, and the idea that Martha's Vineyard could do this too was so exciting to me. When the Oak Bluffs Selectmen abruptly took the proposed bylaw off the warrant in 2016, I reached out to VCS as an OB resident and asked how I could help. I was invited to join the bag ban working group and wound up having the honor of presenting the bylaw, which we got on the warrant by a citizens' petition, at the 2017 OB town meeting, where it passed (almost) unanimously.

What sorts of joint projects are VCS and Plastic Free MV working on now?

We're always working on new waste reduction programs: movie and discussion series, zero waste store tours, shopping classes, etc. We'd

love to do a cooking class about how to make things you usually buy packed in plastic, crackers, tortillas, granola bars, yogurt, hummus, etc, and maybe a DIY class where people can learn to make cleaners, toothpaste, and more. We're exploring different venues and how to broaden our audience. I'd love to find a way to better reach my peer groups – parents with young kids. This year I joined the OB School PTO and formed a "Going Green" committee. Our first project has been to replace the school's plastic library bags with reusable canvas bags.

What do you think will be the bigger challenge for spreading the plastic-free message: convincing kids to slow down and not take part in the disposable convenience culture, or changing the habits of us older folks who are stuck in our ways?

Actually I don't think either of those groups are the biggest challenge. I think kids are receptive to new ideas, they just need exposure, and older folks remember life without plastic. It wasn't all that long ago! Maybe this is just because they're my peers, but I think the biggest challenge is convincing parents with young kids, who are busy and overwhelmed with work and family, that it's possible to reduce their plastic footprint. I see them as a powerful group because they can effect the biggest change, both by themselves – young families use so much plastic, think diapers and juice boxes and Ziploc bags of snacks – and by instilling better environmental values in their children.

At VCS, one point we often make is how long disposable plastics remain in the environment – 1000 years of degradation in exchange for a one-time use is a jarring wakeup call. But that's also kind of bleak, right? How do you create a message around positive change to inspire others? For that matter, how do you keep positive yourself?

It is bleak. So many environmental issues feel too abstract, unattainable. Real solutions seem out of reach, and meager improvements are invisible. This is exactly what I find so powerful

about life without plastic – simple everyday choices we make have an impact, and the change is visible – in the contents of our trashcan or recycling bin. Plus, using less plastic leads to better health and more beauty (un-plastic is always prettier), and the effects are exponential – people see your choices and are inspired to make changes in their own lives.

Nina at the Living Local Harvest Festival



YOUTH OUTREACH & EDUCATION

Building the Next Generation of Vineyard Conservationists

SCHOOLYARD ECOLOGY AT THE MARY BLACK SANCTUARY

Supported by a grant from the Edey Foundation, VCS is pursuing a collaboration in outdoor education with the Edgartown School. The little-known Mary Black Sanctuary, a small (2.85-acre) wooded parcel on which VCS holds a conservation restriction, is located only a short walk from the school. In concert with staff at the school, we are working toward creating an outdoor classroom space within the sanctuary. Such a space will be invaluable for teachers participating in our "Open Air Pledge" to spend a portion of class time each week outdoors. (As a collaborative effort among Island environmental groups, the Pledge initiative is based on the growing awareness that exposure to nature is critically important in youth education and development.)

An exciting development this winter and spring is the inclusion of the Edgartown School in the Schoolyard Ecology projects developed at Harvard Forest. As part of Harvard Forest's Long Term Ecological Research program, these projects present an opportunity for teachers and students to participate as citizen scientists in serious academic research through real-world data collection. As the name suggests, the experiments are designed to answer questions about long-term processes, such as climate change, and how forests grow and change in response to changes in land use.

Schoolyard Ecology projects often rely on making repeated observations in the field (for example, to study the effect of climate change on when trees leaf out in the spring), which makes the close proximity of the Mary Black Sanctuary ideal for the program. Stay tuned for updates — we can't wait to start getting kids out into the field and seeing the data they collect!



from DISCOVERY TO HABITAT

The Art of Conservation 2018

What is your preferred habitat? For yourself, your species, or any of our Island's other creatures?

2018 marks the fifth year for the Art of Conservation, our annual high school art contest. Following last year's far-reaching theme of **Discovery**, we are now asking our Island's young artists to focus on one of the most fundamental principles of conservation, **Habitat**.

We are very excited to see how the students respond. Every year, their work provides an amazing opportunity to see the natural world through a new lens. Submissions are due in early May, and an awards ceremony and opening showing of the winning works is held at the end of the month. The contest is open to all Vineyard high school students, not just those in art classes, so please encourage any students you know to participate.

LUXURY, NOT NECESSITY

By Ingrid Moore, Straw Free MV

Americans throw away about 500 million straws every day. I believe that we need to rethink the way we use plastic straws. Restaurants and take-outs shouldn't automatically give out straws; customers should be required to request one. Straws are harmful to animals and sea life, and they are a luxury, not a necessity.

Such a small item as a straw can have a very big impact on wildlife, especially sea life. Straws are small enough that they don't usually get recycled and will blow out of trashcans and trucks. Straws can end up in the ocean, often in gyres. Gyres are large trash circles, the largest being the Great Pacific Garbage Patch. Turtles and fish can accidentally swallow straws, getting them stuck in their throat. There have been many cases of straws getting lodged into sea turtles' nostrils. Some aren't resilient enough to heal from these wounds.

By limiting the amount of plastic straws used, we can help save these important species. Plastic straws are also dangerous to the environment in their manufacturing and waste. Plastic straws are made of polypropylene, a thermoplastic polymer, which is incredibly wasteful and harmful to the environment. Its production causes carbon dioxide emissions and contributes to climate change. Also, it takes an impossibly long time for plastic straws to decompose.

Straw Free MV currently includes Emmett Athearn, Nick Cowan, Hardy Eville, Theo Fairchild-Coppolletti, Sarah Hartenstine, Ali Marcus, Ingrid Moore, Jasper Ralph, Graham Stearns, and Max Suman (Not all pictured here)

Photo by Annemarie Ralph



"Attire" by Grace Kenney of MV Regional High School. Grace's sculptural interpretation of "Discovery" was one of two First Place winners in the 2017 Art of Conservation contest. Photo by Chris Baer. For more winners, see our website and the back of this newsletter!

Straws end up in landfills across the globe. In beach clean-ups, straws are in the top 10 list of most frequent items found. By limiting the amount of straws people use, we can help to start clearing our environment of waste and cleaning up our skies.

Plastic straws aren't necessary when drinking. It is amazing that even though people don't need straws to drink, in America alone the number of straws thrown out in a year could fill 46,400 school buses! Society enjoys using straws, but if people knew more about what they do to the environment they might change their mind.

Restaurant owners may say that not having straws will hurt them financially but they would be saving money by not using them. Straws can be fun to use and make it easier for drinking while on the go or busy, but there are other options. For example, you can have metal straws that are easy to take around and clean, glass straws, reusable plastic straws for water bottles, and paper straws, which are recycled more often than plastic straws. All of these are capable of doing everything a single-use plastic straw can. They are better for the environment, animals, and don't produce as much waste. Restaurant owners can invest the money they saved into different options, such as giving out paper straws instead.

Plastic straws are harming animals across the world, polluting the environment, and aren't an essential item while drinking. I would take this idea to a town meeting to vote on: I propose we add new laws that ban plastic straws in our town.

Ingrid's essay was originally written for the Mass. Municipal Association Essay Contest: "What would you change if you were the Mayor (or Board of Selectmen Chair) of your town?"

Preventing Abuses of Conservation Restrictions

Conservation Restrictions (CRs) represent perhaps our most powerful land protection tool. With rising real estate prices making outright purchases of conservation land more difficult, action by private landowners to gift CRs may be the Vineyard's best hope of protecting our dwindling open spaces. Yet even as VCS reaches out to those who own subdividable parcels to consider such gifts, we learn that bad actors are intent on co-opting this vital tool for the promise of ill-gotten gains: quick profits, at the expense of taxpayers, from the trafficking in CRs of sometimes dubious conservation value.

Before tackling the creative machinations of the financial services industry that have led to this situation, some background is in order. When a landowner donates a CR they are giving up value (namely the ability to develop real estate), and are thus entitled to a charitable income tax deduction in the amount of the difference between the value of the land before and after the restriction. However, the IRS places limits to how the deduction may be applied: only an amount equal to 30% of the payer's adjusted gross income (AGI) may be deducted per year, with a "carry-over" provision requiring the total be used up within 15 years. Given that the value of a CR gift can be quite large, especially in high-value locales like the Vineyard, an unfortunate situation arises: the textbook "land-rich, cash-poor" family, and even moderately wealthy donors, are often unable to fully utilize their charitable deduction.

It is unfortunate for the donor, and it is a disincentive to conservation, but the problem rests in a fundamental principle of tax policy: that a personal income tax deduction is *personal*. To offer a crude example, a low-income family cannot legally sell their child's personal exemption to someone in a higher tax bracket, even if such an arrangement benefitted both parties.

Now, enter the ever-creative financial services industry. What if that deduction wasn't personal? What if the donor of a CR was not a person but instead a pass-through entity such as a partnership or limited liability corporation (LLC)? In this way, wealth management "facilitators" are able to "syndicate" — that is, essentially, sell — the tax deduction to investors. The fundamental idea is lawful, and often serves a valid conservation purpose. Solely from the perspective of land conservation (that is, temporarily setting aside the ethical questions of tax avoidance), how is it not a

good thing to apply investment capital to the securing of open space?

The trouble comes from the potential for abuse of the industry's increasingly complex syndications. Rather than the idealized syndicate scenario of neighbors banding together to save a farm, the financial services facilitators now aggressively market syndications to passive investors. Property may be purchased solely for the purpose of creating the charitable tax deduction, with investors recruited by promises of dazzling returns. Wildly inflated appraisals, in which the land appreciates many times in the months between purchase and creation of a CR syndicate,

are often an important part of the scheme. Such appraisal games are sometimes sufficiently absurd as to allow each investor to claim a tax deduction greater than the original purchase price of the property.

While the details are complex (and often opaque), much of this activity walks a fine line between aggressive investing and fraud. There is real legal risk for conservation groups in accepting a donated CR when that line is crossed. Under federal tax law,

allocating charitable deductions among a syndicate of partners may be legal (assuming the gift is properly appraised), but it requires that the primary motivation be an actual "business purpose," not merely tax avoidance. Of course, the final judgment on that matter may not come until an audit occurs years after the deal is done. Apart from selling tax deductions, syndications are also useful for hiding other transactions for the purpose of tax avoidance, which may later be determined to constitute an illegal "disguised sale."

Conscientious conservation organizations typically steer clear of these arrangements, but the more consequential — and insidious — threat lies in the bigger picture. Structuring donations such that donors get back more than they give may be a great deal for all involved, but it is not charity. It tarnishes the image of CRs as a land-saving tool, and undermines public confidence in conservation more generally. Support for environmental non-profits, even those who never them-

selves participated in abuses, is eroded. On a political level, if the tax deduction for donated CRs becomes sufficiently unpopular it may simply disappear.

The VCS response to this state of affairs takes three forms. First, we join with our land trust colleagues in support of legislative efforts to combat abusive CR syndications.

A bipartisan bill intended to prevent profiteering from conservation restrictions (known as easements in other states) was introduced in Congress in late November. However, passage is far from guaranteed as opposition from the financial services industry will be fierce; worse, other pending legislation could prevent the IRS from enforcing existing rules.

We support the common-sense solution of reducing the limitations on the deductibility of CR gifts.

Second, we support the common-sense solution of reducing the limitations on the deductibility of CR gifts. Raising the percentage of AGI that a taxpayer may offset, or extending the time window to use up the deduction, would encourage conservation while reducing the motivation for complex schemes to work around these limits.

Finally, and most important, VCS will always act in good faith in securing CRs and other land gifts, and will remain a trusted source for accurate information and advice for anyone sincerely seeking assistance in helping preserve our Island's open space — as we have for fifty years and counting.

Neighbors Band Together to Save Tea Lane

"If the natural beauty of Martha's Vineyard is to be preserved, it will be through the combined action of Vineyard landowners." So wrote VCS co-founder Dick Pough in 1965, urging fellow conservationists to come together as the nascent "Friends of the Island" — which would soon evolve into the Vineyard Conservation Society. There were other important, and earlier, land protection successes, but perhaps the single best example of that formative call to action being answered occurred two decades later.

Thirty years ago, one of the Island's most iconic rural roads was facing a possibility almost unthinkable today. Still unprotected open space at that time, the woodlands and hilltops we now know as the Land Bank's Waskosims Reservation were to be cleared for dozens of new houses. In support of the new subdivision, Chilmark's Tea Lane was to be widened — and perhaps paved.

In consultation with colleagues at the state Environmental Affairs office, VCS devised a strategy based on neighborhood action. A coalition of ten property owners along Tea Lane donated to the town a number of contiguous Conservation Restrictions (CRs) totaling 11.23 acres (in subsequent years, two additional CRs were recorded), ultimately

protecting more than a mile of road frontage. It was their cooperation and generosity that saved the rural road we still see today.

Preservation of the rural character of Tea Lane was possible in part because the connection between the proposed development and road widening was obvious to all. However, even when road improvements are not directly tied to a given project, the loss of rural roads is inextricably linked to rapid growth. At times, changes in roads can be a harbinger of things to come (see box below).

Often, though, on our Island the loss of rural roads is a consequence that follows overly rapid (or poorly planned) growth. Densely settled areas require adequate access for school buses, police and fire protection, and general traffic flow. Under rapid growth, a one-lane gravel road quickly changes from "scenic" to "dangerous" — which makes opposition to road improvement an untenable position once the development has occurred.

IF YOU BUILD IT, THEY WILL COME

Rural roads are one of the Vineyard's defining attributes most at risk in the face of continuing growth and development. They are a harbinger — the canary in the coal mine.

This summer, without much fanfare, a new turning lane was installed at the intersection of the Edgartown—West Tisbury Road and Barnes Road. Relief of the summer bottleneck was welcomed, but what did it signal about our future? With development continuing largely in the absence of a meaningful conversation about infrastructure needed to support that growth, stoplights and widened roads with turning lanes are inevitable, with divided highways and steel guardrails a likely endgame.



Tea Lane, circa 1900, looking much the same as it does today. Photo from Martha's Vineyard Landscapes: The Nature of Change

VCS NEWS ROUND-UP

ENVIRONMENTAL LEGAL DEFENSE UPDATE

The work to conserve and defend the rare heathlands along Moshup Trail in Aquinnah continues. Habitat restoration fieldwork is moving forward, as is the title research into disputed parcels. Unfortunately, though, the decades-long legal defense work is not yet finished.

This summer the Sheriff's Department yet again paid a visit to the VCS office to serve papers. Despite last year's decisive ruling in our favor from the MA Supreme Judicial Court, our opponent in the long-running legal battle to defend the conservation land filed new litigation naming VCS among the defendants.

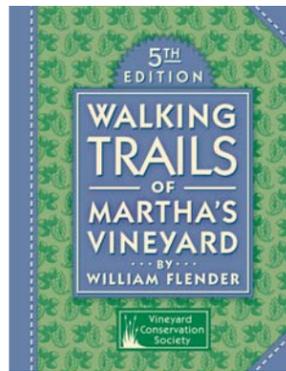
Because this suit revisited the same issues as previous claims, we filed a Motion to Dismiss, which was granted by the state Land Court in late November. The Court determined that the plaintiff was attempting to get a second bite at the apple by raising the same arguments with respect to a nearby parcel not included in the earlier claim.

The strongly-worded judgment in affirmation of the previous ruling by the SJC appeared to be a resounding win. In time for the holidays, however, we learned of the filing of a motion asking the court to reconsider. Failing that, the plaintiff has the right to file a formal appeal of the dismissal by the end of the month.

CAPACITY CAMPAIGN NEARS GOAL

The Capacity Campaign is our capital drive to ensure that VCS continues to thrive and be a leader in conservation advocacy and education. We have already acted to expand staff with the addition of outreach coordinator Samantha Look. In addition to leading our youth education efforts (for example, the collaboration with Harvard Forest and the Edgartown School at the Mary Black Sanctuary, see pg 6), Sam has been the driving force throughout the ongoing plastics reduction campaign, including the Island-wide ban on disposable plastic shopping bags.

Thanks to generous leadership gifts and a challenge match pledge, our goal of raising a minimum of \$2 million is now within reach. With eighteen months remaining in the campaign, we are just \$200,000 shy of our goal. Thank you all for getting us this far, and please help us close the gap!



NEW 5TH EDITION WALKING TRAILS OF M.V.

Twenty years ago, working as part of the VCS staff, Will Flender researched and wrote the first edition of the now-classic pocket trail guide, Walking Trails of Martha's Vineyard. Now an attorney and father of two living in Vermont, last year Will returned to this labor of love out of appreciation for the Island and loyalty to VCS. He has done a superb job with

this brand new Fifth Edition, which is now available at many local retailers and on our website. Thank you Will!

PROGRESS FOR GRASS PLAYING FIELDS

Since a proposal last year to install artificial turf playing fields at the high school, a citizens' group named "Vineyarders for Grass Fields" has taken the initiative to pursue possible alternatives to bringing thousands of pounds of plastic turf to the Island. The group is taking a comprehensive look at the restoration and long-term maintenance of our existing grass playing fields, as well as the potential creation of new grass fields.

This summer, VCS wrote a letter in support of the group's grant proposal to the Toxic Use Reduction Institute at UMass Lowell to purchase field maintenance equipment. The grant was successful, and we hope the new equipment (an aerator) serves as a tangible demonstration of this community's commitment to a more sustainable future. VCS congratulates Vineyarders for Grass Fields for their successes so far, and we are happy to be able to play a small role in creating better, non-toxic, playing fields for our Island's young people.

LOOKING BENEATH THE SURFACE WITH DNA

At this year's Annual Meeting, guests learned all about an exciting new method for sampling aquatic and marine life - and what that technique has to say about who's living in two of our local bodies of water. In his presentation on environmental DNA, Jesse Ausubel, Director of the Rockefeller University Program for the Human Environment, shared his results from water samples taken from Look's Pond and the Tisbury Great Pond. An entirely different

collection of species were found in the two nearby bodies of water, with one exception — the ubiquitous *Homo sapiens*, naturally.

Environmental DNA (eDNA), also known as extracellular, or naked DNA, is continually cast off by aquatic organisms. But since these DNA fragments don't persist long before breaking down, finding evidence of a certain species' eDNA is a reliable indicator that the species was recently nearby. As presented by Jesse at the meeting, early returns from eDNA analysis are highly encouraging. The results are generally consistent with those obtained through traditional sampling methods, which are expensive, time-consuming, and can be harmful to the very ecosystems they seek to study.

VIGILANCE IN FACING THE COMING STORM



Jack Clarke, guest speaker at the summer Conservator Event

This summer, VCS hosted a presentation by Jack Clarke, Director of Public Policy & Government Relations for the Mass Audubon Society. He reflected on the growing challenges facing environmental protection efforts today — regionally, nationally, and internationally. Jack cited the importance of fighting to hold onto the environmental protection and land conservation gains made over the years, and to prevent erosion of laws designed to protect clean air and water. He warned against administrative rule-making to weaken or repeal regulations, and the dangers of funding cuts, hostile political appointments, and reductions in the size of the environmental protection workforce.

The solution, Jack argued, is vigilance and determination from watchdog organizations like VCS, particularly those able to bring effective environmental legal defense to bear when necessary.

Jack Clarke serves as the Governor's appointee to the Special Commission on Coastal Erosion, and chairs the state Ocean Advisory Commission. He helped draft and pass the first-in-the-nation comprehensive ocean management law, the Mass Rivers Protection Act, and the Community Preservation Act.

THE MEDICAL PERSPECTIVE ON ENVIRONMENTAL THREATS

VCS also teamed up this summer with the Polly Hill Arboretum to bring Dr. Eric Chivian to the Island for a special lecture on global environmental health. In discussing the most

important environmental issues of our time (many of which, such as climate change, are far from unappreciated) from the novel perspective of medical modeling, Dr. Chivian gave us all a fresh and inspiring look at what sometimes feels insurmountable.

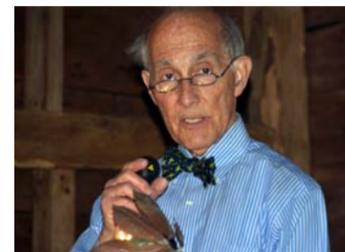
Dr. Chivian is the founder and former director of Harvard Medical School's Center for Health and the Global Environment. In 1980, he co-founded the International Physicians for the Prevention of Nuclear War, recipient of the 1985 Nobel Peace Prize.

THANKS, EMMA!

We were thrilled to have Emma Berryman-Moore join us at VCS for a summer internship this year. Emma played a crucial role in the outreach to local businesses during the BYO Bag initiative rollout, did research into the water bottle refill station project, and assisted with all the summer events. She managed to do all that while working full-time, and still brought an upbeat attitude to the office — thank you, Emma!

If you are interested in an internship with VCS for the coming summer (or know someone who could be) please contact our office at (508) 693-9588 or info@vineyardconservation.org

The board and staff of your Vineyard Conservation Society, (L-R) Brendan O'Neill, John Best, Bruce Golden, Arnie Reisman, Linda Jones, Jim Athearn, Susan Feller, Bart Partington, Bill Randol, Joan Malkin, Michael Loberg, Jeremy Houser, Signe Benjamin, Jim Reynolds, Samantha Look, and Marc Rosenbaum. Not pictured: Jesse Ausubel, Larry Hohlt, Farley Pedler, and Warren Woessner



"Human health is damaged by damaging the living world . . . To wait to act is to take a risk with the physical and climate systems of the planet. It is a risk that no one should be willing to take."

Dr. Eric Chivian, speaking at the Polly Hill Arboretum.





Post Office Box 2189
Vineyard Haven, MA 02568
(508) 693-9588
vineyardconservation.org

Presorted
First Class
U.S. Postage
PAID
Permit 278
White Plains NY

 Printed on 100% post-consumer waste paper

Front cover: Tea Lane today — photo by Brendan O'Neill

*Back cover: the extraordinary, yet familiar Katama fog — photo by Kayla Oliver,
2017 Art of Conservation Special Distinction Winner, "Between the Lines"*

