

HOUSE No. 4433

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, April 19, 2018.

The committee on Environment, Natural Resources and Agriculture to whom was referred the petition (accompanied by bill, House, No. 2932) of Stephen Kulik and others for legislation to establish the Mohawk Trail woodlands partnership fund, reports recommending that the accompanying bill (House, No. 4433) ought to pass.

For the committee,

SMITTY PIGNATELLI.

HOUSE No. 4433

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act establishing the Mohawk Trail Woodlands partnership.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 29 of the General Laws is hereby amended by inserted after section
2 2VVVV the following section:-

3 Section 2WWWW. There shall be established and set up on the books of the
4 commonwealth a separate fund to be known as the Mohawk Trail Woodlands Partnership Fund,
5 hereafter referred to as the Mohawk Trail Woodlands Partnership Fund. The fund shall be
6 administered by the Mohawk Trail Woodlands Partnership Board as established by the special
7 act creating such board. There shall be credited into the fund revenues or other financing sources
8 directed to the fund by appropriation, bond revenues or other monies authorized by the general
9 court and specifically designated to be credited to that fund, any income derived from the
10 investing of amounts credited to the fund and the monies from the repayment of loans from the
11 fund, funds from public or private sources, including, but not limited to, gifts, federal or private
12 grants, donations, rebates and settlements received by the commonwealth that are specifically
13 designated to be credited to the fund and all other amounts credited or transferred into the fund
14 from any other source. Amounts credited to said fund shall be held in an expendable trust and

15 shall be used solely for implementing the purposes and administration of Mohawk Trail
16 Woodland Partnership as set forth in the special act creating such partnership. Unexpended funds
17 shall be allowed to carry over from year to year and be expended in subsequent years without
18 appropriation. No expenditure from the fund shall cause it to be in deficiency.

19 SECTION 2. To capitalize the Mohawk Trail Woodland Partnership Fund established in
20 section 2WWW of Chapter 29 of the General Laws and support the goals of the Mohawk Trail
21 Woodland Partnership, the Partnership may receive funds from general appropriations, capital
22 expenditure authorizations, grants or a combination of the three.

23 SECTION 3. (a) For the purposes of this section, the following terms shall, unless the
24 context clearly requires otherwise, have the following meanings:-

25 “Participating Communities”, municipalities within the Mohawk Trail Woodlands
26 Partnership Eligibility Area that affirmatively vote to participate in the activities of the Mohawk
27 Trail Woodlands Partnership as described in subsection (c).

28 “Partnership”, a cooperative association among those entities and individuals working
29 collaboratively to achieve the purposes described in subsection (b) in the Mohawk Trail
30 Woodlands Partnership Area as described in subsection (c).

31 “Permanently protected open space”, land permanently protected from development and
32 includes state parks, state forests and state wildlife management areas, federally conserved land,
33 land owned by conservation organizations for conservation purposes, town or city owned land
34 under the jurisdiction of the town or city conservation commission for park or conservation use,
35 and privately-owned farm and forestland protected through the Agricultural Preservation
36 Restriction Program or a conservation restriction.

37 “Sustainable forest management”, the carefully planned growing, management,
38 monitoring, harvesting and regeneration of woodlands that conserves or promotes biological
39 diversity, ecological functions, soil productivity, water and air quality, carbon sequestration and
40 storage, and cultural resources and recreational use of the forest while also providing a
41 continuous yield of a range of useable forest products. Sustainable forest management also
42 considers the surrounding forest landscape.

43 (b) The purposes of the Mohawk Trail Woodlands Partnership are:

44 (1) to support and expand sustainable forest management to enhance public benefits,
45 including but not limited to, outdoor recreation opportunities, air and water quality, watershed
46 management, soil conservation, biological diversity, carbon sequestration and storage, fish and
47 wildlife habitat, forest products and forestry related jobs and to increase the resiliency of forests
48 to threats such as fire, ice, wind, insects, disease and invasive pests and plants;

49 (2) to increase forest land conservation through conservation restrictions that encourage
50 and support sustainable forest management practices and intact forest ecosystems;

51 (3) to support and increase sustainable natural resource based economic development
52 and employment;

53 (4) to support and provide comprehensive education and visitor information programs to
54 increase public understanding of and appreciation for the ecological, recreational and economic
55 benefits of forests;

56 (5) to support and promote the long term social and fiscal sustainability of the
57 Participating Communities in the area; and

58 (6) to create a long-term partnership between towns and cities, regional and other
59 organizations with a presence in the region, educational institutions, the executive office of
60 energy and environmental affairs, and the United States Forest Service.

61 (c) (1) To achieve the purposes identified in subsection (b) there is hereby established the
62 Mohawk Trail Woodlands Partnership Area, which shall consist of 2 separate boundaries: (i)
63 the Mohawk Trail Woodlands Partnership Eligibility Area; and (ii) the Mohawk Trail
64 Woodlands Partnership Activities Area.

65 (2) The Mohawk Trail Woodlands Partnership Eligibility Area shall be comprised of the
66 lands defined by the municipal boundaries of Adams, Cheshire, Clarksburg, Florida, New
67 Ashford, North Adams, Peru, Savoy, Williamstown and Windsor in Berkshire county, and
68 Ashfield, Buckland, Charlemont, Colrain, Conway, Hawley, Heath, Leyden, Monroe, Rowe, and
69 Shelburne in Franklin county.

70 (3) The Mohawk Trail Woodlands Partnership Activities Area shall consist of the land in
71 those municipalities described in the Mohawk Trail Woodlands Partnership Eligibility Area that
72 have taken an affirmative vote of a town meeting or board of selectmen in towns or city council
73 or mayor in cities to participate in the activities of the Mohawk Trail Woodlands Partnership as
74 specified in the Partnership Plan as defined in subsection (g).

75 (4) Municipalities within the Mohawk Trail Woodlands Partnership Eligibility Area shall
76 have 2 years after the effective date of this act to affirmatively vote to participate in the activities
77 of the Mohawk Trail Woodlands Partnership and become Participating Communities.
78 Notwithstanding the preceding sentence, if a municipality within the Mohawk Trail Woodlands
79 Partnership Eligibility Area does not vote affirmatively to participate in the activities of the

80 Mohawk Trail Woodlands Partnership within 2 years after the effective date of this act, the
81 municipality may affirmatively vote to become a Participating Community after 5 years have
82 passed from the effective date of this act.

83 (5) The Mohawk Trail Woodlands Partnership Eligibility Area and the Mohawk Trail
84 Woodlands Partnership Activities Area may be expanded 5 years after enactment of this
85 legislation by a 2/3 vote of the entire partnership board, established pursuant to Subsection (e),
86 and a majority vote of the partnership board members from the Participating Communities after
87 the establishment of criteria for expansion by said partnership board. Criteria for expansion
88 should include such factors as geographic proximity, forestry and natural resources, and financial
89 capacity of the partnership.

90 (d) (1) Programs and activities of the Mohawk Trail Woodlands Partnership shall, to the
91 extent possible, be conducted in partnership and collaboration between the units of federal, state
92 and local government, including but not limited to the United States Forest Service, the
93 commonwealth and its applicable subdivisions and others in accordance with the integrated
94 partnership plan specified in subsection (g).

95 (2) Nothing in this section shall be construed to diminish, enlarge, or modify any right of
96 the federal government, the commonwealth or any political subdivision thereof, to exercise civil
97 and criminal jurisdiction or to carry out federal, state, or local laws, rules, and regulations within
98 the lands and waters included in the Mohawk Trail Woodlands Partnership Eligibility Area.

99 (e) (1) After 11 municipalities within the Mohawk Trail Woodlands Partnership
100 Eligibility Area, as defined in subsection (c)(2), affirmatively vote to become Participating
101 Communities, there shall be established the Mohawk Trail Woodlands Partnership Board whose

102 purpose shall be to coordinate the partnership activities of participating federal, state, and local
103 authorities and the private sector in the development and implementation of the programs and
104 activities identified in an integrated partnership plan for the Mohawk Trail Woodlands
105 Partnership Activities Area.

106 (2) The partnership board shall be composed of the following members:

107 (A) One individual, appointed by the respective board of selectmen or mayor, from each
108 of the Participating Communities.

109 (B) One individual, appointed by the Chief of the United States Forest Service, to
110 represent the United States Forest Service, provided that Federal legislation is enacted that
111 authorizes the participation of the United States Forest Service.

112 (C) One individual, appointed by the secretary of energy and environmental affairs, to
113 represent the executive office of energy and environmental affairs.

114 (D) One individual, appointed by the executive director of the Franklin Regional Council
115 of Governments to represent the Franklin Regional Council of Governments.

116 (E) One individual, appointed by the executive director of the Berkshire Regional
117 Planning Commission, to represent the Berkshire Regional Planning Commission.

118 (F) One individual, appointed by action of the board of directors of the Massachusetts
119 Forest Alliance Limited, to represent the Massachusetts Forest Alliance Limited.

120 (G) One individual, appointed by action of the chair of the Massachusetts Chapter of the
121 Yankee Division of the New England Society of American Foresters, to represent the

122 Massachusetts Chapter of the Yankee Division of the New England Society of American
123 Foresters.

124 (H) One individual, appointed by action of the board of directors of the Franklin Land
125 Trust, Inc., to represent the Franklin Land Trust.

126 (I) One individual, appointed by action of the board of directors of the Berkshire Natural
127 Resources Council, Inc., to represent the Berkshire Natural Resources Council.

128 (J) One individual, appointed by action of the board of directors of the Greater
129 Shelburne Falls Area Business Association, Inc., to represent the Greater Shelburne Falls Area
130 Business Association.

131 (K) One individual, appointed by action of the board of directors of Lever, Inc., to
132 represent Lever, Inc.

133 (L) One individual, appointed by action of the board of directors of the Deerfield River
134 Watershed Association, Inc., to represent the Deerfield River Watershed Association.

135 (M) One individual, appointed by action of the board of directors of the Hoosic River
136 Watershed Association, Inc., to represent the Hoosic River Watershed Association.

137 (N) One individual whom shall be a University of Massachusetts at Amherst School of
138 Public Health and Health Sciences faculty member specializing in public health, appointed by
139 the chancellor of the University of Massachusetts at Amherst, or by the chancellor's designee.

140 (O) One individual whom shall be a University of Massachusetts at Amherst faculty
141 member specializing in ecosystem functions, carbon cycling in terrestrial systems and climate

142 change as it relates to forests, appointed by the chancellor of the University of Massachusetts at
143 Amherst, or by the chancellor's designee.

144 (P) Should the names of any entity of the aforementioned members change, the
145 replacement entity shall be considered a member subject to the appointment of the appointing
146 authority of that entity.

147 (Q) Should any of the entities of the aforementioned members cease to exist, the
148 partnership board may, by majority vote, name a like entity to represent the interests of the
149 original member entity represented.

150 (R) The partnership board may, by 2/3 vote, allow additional members to the partnership
151 board, provided the mission of the additional member aligns with the purposes identified in
152 subsection (b) and also provided that no additional members shall be allowed if the total number
153 of members from those entities identified in clauses (B) through (Q), exceeds those identified in
154 clause (A).

155 (3) (A) Members of the partnership board shall serve for terms of 3 years or until another
156 representative is appointed from said appointing entity.

157 (B) Members may be re-appointed to serve for multiple terms.

158 (4) The partnership board shall elect 1 of its members as chairperson and 1 as vice
159 chairperson. The term of office of the chairperson and vice chairperson shall be 3 years. The vice
160 chairperson shall serve as chairperson in the absence of the chairperson.

161 (5) Any vacancy on the partnership board shall be filled in the same manner in which the
162 original appointment was made.

163 (6) The partnership board shall meet no less than 2 times per year or at the call of the
164 chairperson or a majority of its members. Meetings shall be open to the public.

165 (7) A majority of the partnership board members shall constitute a quorum. For the
166 purposes of meeting quorum requirements, vacancies shall not be counted to determine a
167 majority.

168 (8) Each member of the partnership board shall be entitled to 1 vote which shall be equal
169 to every other member of the partnership board. All matters considered by the partnership board
170 shall be decided by an affirmative vote of a minimum of a majority of the members present,
171 except for those actions requiring a 2/3 vote as specified in this act.

172 (9) The partnership board shall:

173 (A) initiate the development and review of and approve the partnership plan as defined in
174 subsection (g);

175 (B) oversee implementation of the partnership plan as defined in subsection (g);

176 (C) annually review and approve an annual budget that identifies the sources and uses of
177 funds to implement the partnership plan. Said annual budget shall indicate funding levels for
178 each of the purposes identified in subsection (b);

179 (D) designate a legally established entity to serve as the administrative agent for the
180 Mohawk Trail Woodlands Partnership as set forth in subsection (f); and

181 (E) designate a legally established entity to serve as the fund manager for the Mohawk
182 Trail Woodlands Partnership Fund.

183 (10) The partnership board shall establish an executive committee of the members of the
184 partnership board. The executive committee shall consist of 5 members.

185 (A) The executive committee members shall consist of: 2 members appointed pursuant to
186 clause (A) of paragraph (2) to be elected by the partnership board; 1 member from the United
187 States Forest Service appointed pursuant to clause (B) of paragraph (2); 1 member from the
188 executive office of energy and environmental affairs appointed pursuant to clause (C) of
189 paragraph (2); and 1 member from the remaining members of the partnership board, appointed
190 pursuant to clauses (D) to (P), inclusive, of paragraph (2), to be selected by the partnership
191 board. The partnership board chair shall automatically be a member of the executive committee
192 thereby filling the executive committee membership requirement for that membership slot, such
193 that, if the partnership board chair is a member from a municipality appointed pursuant to clause
194 (A) of paragraph (2), there shall only be 1 other member from a municipality appointed pursuant
195 to said clause (A) of said paragraph (2) on the executive committee and such that if the
196 partnership board chair is a member appointed pursuant to clauses (D) to (P) inclusive, of said
197 paragraph (2) that member shall fulfill the executive committee membership requirement for
198 members appointed pursuant to clauses (D) to (P), inclusive, of said paragraph (2).

199 (B) The executive committee shall provide direction to the administrative agent to
200 conduct activities as described in subsection (f).

201 (C) The executive committee shall approve expenditures of the administrative agent as
202 they relate to the implementation of the partnership plan.

203 (D) The executive committee shall approve the staff of the administrative agent working
204 to implement the partnership plan.

205 (E) The executive committee shall provide regular reports to the partnership board.

206 (F) The executive committee may assume other responsibilities necessary to implement
207 the partnership plan.

208 (11) The partnership board shall prepare and adopt, by a 2/3 vote, bylaws covering
209 regular operating practices of the partnership board and the executive committee of the
210 partnership board.

211 (f) (1) Within 1 year after the date of the establishment of the Mohawk Trail Woodlands
212 Partnership Board and receipt of any federal or state appropriation, the Mohawk Trail
213 Woodlands Partnership Board shall designate an existing or newly created non-profit entity to
214 serve as the administrative agent for the Mohawk Trail Woodlands Partnership. Provided
215 funding is available, the administrative agent shall, under the direction of the partnership board,
216 implement the partnership plan. The Mohawk Trail Woodlands Partnership Board shall have the
217 authority to designate a different entity as administrative agent by a 2/3 vote.

218 (2) The administrative agent shall, with the approval of the executive committee, be
219 entitled to receive and expend funds from the Mohawk Trail Woodlands Partnership Fund,
220 subject to the requirements set forth subsection (h) for the purposes of implementing the
221 partnership plan.

222 (3) For the purposes of implementing the partnership plan described in subsection (g)
223 and notwithstanding any other provision of law, the administrative agent of the partnership may
224 seek and accept donations of funds, grants, revenue, property, or services from individuals,
225 foundations, corporations, and other private and public entities for the purpose of carrying out
226 the partnership plan.

227 (4) For purposes of implementing the partnership plan described in subsection (g), the
228 administrative agent of the partnership may enter into cooperative agreements with the federal
229 government, the commonwealth, any political subdivision thereof, or with any organization or
230 person.

231 (5) The administrative agent of the partnership shall provide the partnership with such
232 staff and technical assistance considered appropriate to enable the implementation of the
233 partnership plan described in subsection (g). The administrative agent of the partnership may
234 accept the services of personnel detailed from the United States Forest Service, including any
235 branch or division of the United States Forest Service, the commonwealth, any political
236 subdivision of the commonwealth, any entity represented on the partnership board or any other
237 entity whose mission aligns with the purposes defined in subsection (b) , subject to the approval
238 of the partnership board.

239 (6) The administrative agent of the partnership may obtain by purchase, rental, donation,
240 or otherwise, such property, facilities, and services, including the acquisition of real property or
241 interest in real property, as may be needed to implement the partnership plan.

242 (g) (1) Within 3 years after the establishment of the Mohawk Trail Woodlands
243 Partnership Board and receipt of sufficient federal or state appropriations, the Mohawk Trail
244 Woodlands Partnership shall develop a partnership plan for the Mohawk Trail Woodlands
245 Partnership Activities Area to be implemented by the partnership.

246 (2) The partnership plan shall include but not be limited to each of the following:

247 (A) A resource assessment to include:

248 (i) an assessment of natural resources, including forest resources, agricultural resources,
249 water resources, important natural habitat areas, and rare and important species;

250 (ii) an identification of conserved lands, including permanently protected open space and
251 temporarily conserved lands; and

252 (iii) an assessment of recreational resources, including trails and associated recreational
253 support facilities.

254 (B) A socio-economic assessment of the participating municipalities, including
255 population, income and employment;

256 (C) A fiscal assessment of the municipalities in the Mohawk Trail Woodlands
257 Partnership Activities Area to include an assessment of municipal revenue, expenditures,
258 services and taxes;

259 (D) An assessment of existing programs and activities and associated entities, offered in
260 the Mohawk Trail Woodlands Partnership Activities Area including local, state, and federal
261 governmental units, nonprofit organizations and private interests that align with the purposes
262 defined in subsection (b);

263 (E) An identification of policies, programs and activities to achieve the purposes defined
264 in subsection (b), including those to:

265 (i) support and expand sustainable forest management practices in the Mohawk Trail
266 Woodlands Partnership Activities Area;

267 (ii) increase forest land conservation in the Mohawk Trail Woodlands Partnership
268 Activities Area;

269 (iii) support and increase sustainable natural resource based economic development and
270 employment, including natural resource-based tourism, in the Mohawk Trail Woodlands

271 Partnership Activities Area;

272 (iv) support educational and visitor information related to the Mohawk Trail Woodlands

273 Partnership Activities Area;

274 (v) support and promote the long term social and fiscal sustainability of the participating
275 municipalities in the Mohawk Trail Woodlands Partnership Activities area;

276 (vi) support and promote forest resilience and carbon sequestration and storage in the
277 Mohawk Trail Woodlands Partnership Activities Area; and

278 (vii) define, quantify and support forest ecosystems in the Mohawk Trail Woodlands
279 Partnership Activities Area.

280 (F) A coordination and consistency component which details the ways in which
281 programs, activities and policies of local, state, and federal governmental units, nonprofit
282 organizations and private entities may best be coordinated to implement the partnership plan.

283 (G) A financial component, which details the costs and revenues of implementing the
284 partnership plan, including, but not limited to:

285 (i) costs to implement each of the programs and activities identified in clause (E);

286 (ii) associated capital costs;

287 (iii) associated operational costs, including costs of the administrative agent as defined in
288 subsection (f);

289 (iv) any anticipated extraordinary or continuing costs;

290 (v) details of the sources of revenue, including, but not limited to appropriations from
291 state and federal departments and agencies, investment or interest income, including receipts
292 from the Mohawk Trail Woodlands Partnership Fund, grants, donations, loans, loan repayments,
293 receipts from the private sector, receipts from any income-producing venture undertaken by the
294 partnership, and other sources of revenue;

295 (vi) a 5 year timetable of projected revenues and expenditures; and

296 (vii) an identification of the projected revenue, including amounts and projected earnings
297 from the Mohawk Trail Woodlands Partnership Fund, to ensure the purposes of this section are
298 sustained in perpetuity.

299 (3) In developing the partnership plan, the partnership shall:

300 (A) consult with appropriate officials of any local government or federal or state agency;

301 (B) consult with interested conservation, business, professional, and citizen
302 organizations; and

303 (C) conduct open meetings advertised to the public in the Participating Communities for
304 the purposes of providing interested persons with the opportunity to comment on items contained
305 in the partnership plan.

306 (4) The partnership board shall have authority to approve or disapprove the partnership
307 plan.

308 (5) The partnership board shall review the partnership plan, no less than annually. The
309 partnership plan shall be updated no less than every 10 years except that the partnership board
310 may by majority vote request the entire partnership plan or sections of the partnership plan be
311 updated at any time.

312 (h) (1) For the purposes of carrying out this section, the Mohawk Trail Woodlands
313 Partnership Fund, may accept and receive receipts and donations of funds from:

314 (i) any public or private source, including but not limited to gifts, grants, property,
315 supplies, revenue, or services from individuals, foundations, corporations, and other private or
316 public entities, including the commonwealth and agencies of the federal government;

317 (ii) federal appropriations if authorized by companion federal law, federal
318 reimbursements and grant-in-aid; and

319 (iii) interest and investment income earned from the Mohawk Trail Woodlands
320 Partnership Fund.

321 (2) Receipts into the Mohawk Trail Woodlands Partnership Fund may be invested to
322 generate income which may be utilized for any purpose consistent with the purposes of this act.
323 Preference for investments of the Mohawk Trail Woodlands Partnership Fund shall be given to
324 those that advance the purposes set forth in subsection (b).

325 (3) Funds from the Mohawk Trail Woodlands Partnership Fund shall be used as defined
326 in the Partnership Plan, as updated or amended and may include establishment of or support for
327 the following:

328 (i) An Investment Trust Fund, hereafter referred to as the Investment Trust Fund, to
329 maintain the long term sustainability of the Mohawk Trail Woodlands Partnership. A sufficient
330 amount of funding shall be invested and maintained in the Investment Trust Fund, as stated in
331 the bylaws, to ensure the purposes of this section and the activities of the partnership are
332 sustained in perpetuity.

333 (ii) A multi-purpose center, known as the “Mohawk Trail Forest Center” to provide
334 tourism services, technical assistance to forestry and tourism businesses and forest landowners,
335 technical assistance on implementing sustainable forest management practices, technical
336 assistance with selling carbon credits from private and municipal forests credits, research and
337 development, marketing, public education and space for the Administrative Agent as described
338 in subsection (f);

339 (iii) One or more demonstration and research forests including those to be established
340 through agreement with the United States Forest Service or the executive office of energy and
341 environmental affairs and its agencies, or both the United States Forest Service or the executive
342 office of energy and environmental affairs, on an appropriate parcel of private, municipal or state
343 land to be used to research and demonstrate exemplary sustainable forest management practices
344 to other landowners and the public via tours, publications and other educational tools;

345 (iv) Forest land conservation via permanent conservation restrictions pursuant to sections
346 31, 32 and 33 of chapter 184 of the general laws to be held by a municipality or a qualified non-
347 profit conservation land trust with a presence in the region or the commonwealth and associated
348 restriction monitoring according to a model conservation restriction contained in the partnership
349 plan provided that boards of selectmen, in the case of a town, or the mayor, in the case of a city,

350 in participating municipalities where more than 40 per cent of the total land area of the
351 municipality is permanently protected open space must approve the purchase of a permanent
352 conservation restriction for any land receiving funds from the Mohawk Trail Woodlands
353 Partnership Fund;

354 (v) Revolving Loan Fund program to support natural resource and forest dependent
355 businesses, provided that any related forest management must use sustainable forest management
356 practices;

357 (vi) Forest Viability Program with grants provided to forest based businesses or
358 landowners in exchange for temporary conservation restrictions on land development, provided
359 that any related forest management must use sustainable forest management practices;

360 (vii) Municipal Cooperative Agreements that provide annual grants to participating
361 municipalities to support municipal services or operations related to the purposes of the
362 partnership as defined in subsection (b);

363 (viii) Forest management plans that incorporate sustainable forest management practices,
364 and other planning assistance, for landowners;

365 (ix) Natural resource based recreation and tourism including promotion; and

366 (x) Reimbursement of costs incurred by the administrative agent, as defined in subsection
367 (f), for activities related to the partnership.

368 (4) A qualified fund manager shall be selected by the partnership board to manage the
369 Investment Trust Fund, identified in section (h)(3)(i), according to appropriate standards to
370 achieve a rate of return consistent with the safety of the fund and with a preference for local and

371 regional investments that advance the purposes of the partnership set forth in subsection (b). Said
372 fund manager shall prepare an annual report to the partnership board on said Investment Trust
373 Fund.

374 (5) There shall be an independent audit prepared annually for the Mohawk Trail
375 Woodlands Partnership Fund and associated Investment Trust Fund.

376 (6) Should the Mohawk Trail Woodlands Partnership cease to exist, the Mohawk Trail
377 Woodlands Partnership Fund and associated Investment Trust Fund shall be dissolved and assets
378 dispersed according to applicable state and federal law.

379 (i) No funds may be appropriated through this legislation for the United States
380 Government and its agency, the United States Forest Service to hold a fee interest in any real
381 property in the Mohawk Trail Woodlands Partnership Activities Area.

382 (ii) No funding received or expended by the partnership shall be used for the construction
383 or operation of a wood pellet or biomass manufacturing facility.