

Public Policy Update

Linda Orel, Policy Director, The Trustees
MLTC Steering Committee Meeting - March 6, 2020

Massachusetts Public Policy

Operating Budget

For FY21, the Green Budget Coalition (led by ELM, TNC, The Trustees, Mass Audubon, MassRivers, AMC and MOSES) is advocating for increased funding for four programs: Department of Conservation and Recreation (DCR) state parks and recreation, Department of Environmental Protection (DEP) administration, the Division of Ecological Restoration, and the Division of Fisheries and Wildlife's Natural Heritage and Endangered Species Program (NHESP).

We are currently meeting with each member of House Committee on Ways and Means (HWM), urging them to make these items a priority in their request to the HWM Chair Michlewitz, and to cosponsor amendments during the House budget debate in mid-April.

Green Budget Priorities:

Line item	Agency/Office	Green Budget Ask	FY21 Gov Budget	FY20 Final
2200-0100	DEP	\$40,000,000	\$33,646,687	\$32,082,245*
2300-0101	DER	\$2,600,000	\$2,032,048	\$2,100,000*
2810-0100	DCR Parks and Rec	\$50,000,000	\$47,635,283	\$47,250,000*
2310-0300	NHESP	\$1,000,000	\$154,222	\$154,221

* includes earmarks.

For details, please visit: <https://www.environmentalleague.org/our-work/priorities/environmental-budget/>

If you would like to be kept up to date on this effort, please contact Casey Bowers at cbowers@environmentalleague.org.

Capital Budget

The Commonwealth Conservation Council (CCC), of which MassLand is a member, met with the Executive Office of Environmental Affairs to request funding increases to several programs, including agency land acquisition (DCR, DFG and DAR) and competitive grants to municipalities (the LAND program). We will be reaching out to Administration and Finance in March, as well. The state's FY21 Capital Plan is expected to be released in May. We expect level capital funds for environmental and capital programs, as the state increases capital dollars on transportation and housing.

Legislation of Interest

H.4465 (previously S.1767/H.2522), An Act relative to the conservation land tax credit (*Sen. Bruce Tarr, Gloucester, and Sen. Adam Hinds, Pittsfield; Rep. Brad Jones, North Reading, and Rep. Smitty Pignatelli, Lee*)

- This bill would raise the annual cap from \$2M to \$5M over three years; amend the definition of a "public or private conservation agency" that may receive donations of land; and provide a ten-year sunset.
- The bill, with our proposed updated language, was reported favorably out of the Joint Committee on Revenue; referred to House Ways and Means.
- Many thanks to the Sudbury Valley Trustees for securing a meeting for SVT, TNC, and MLTC with Senate President Spilka to discuss the CLTC a few weeks ago.
- A budget amendment will likely be pursued again in the state FY21 operating budget. Please be on the lookout for actions you can take soon to support this effort.

S.459, An Act protecting the natural resources of the Commonwealth (*Sen. Jamie Eldridge, Acton; Rep. Ruth Balsler, Newton*)

- This legislation is also known as the "Public Lands Protection Act" (PLPA).
- The bill would prevent loss of constitutionally protected open space (Article 97 lands) by requiring replacement land, as well as notification to EEA prior to filing legislation to dispose of land. The legislation codifies the state's "no net loss" policy.
- Reported favorably from the Joint Committee on Environment, Natural Resources and Agriculture (ENRA) in April in November; referred to Senate Ways and Means.

S.497, Resolve to protect pollinator habitat/ H.818, An Act to protect pollinator habitat (*Sen. Jason Lewis, Winchester; Rep. Mary Keefe, Worcester*)

- This bill would establish a commission to study statewide opportunities for improving pollinator health by increasing and enhancing native habitat.
- Heard by ENRA in October. The bill was sent to "study." (Which means it is dead for this legislative session.)

H.763, An Act to protect Massachusetts pollinators (*Rep. Carolyn Dykema, Holliston*)

- This bill would prohibit the use of neonicotinoid pesticides to any person other than a certified applicator. It also requires certain notifications regarding the danger of neonicotinoids.
- Heard by ENRA in October; reported favorably in November and referred to House Ways and Means.

H.842/S.2014, An Act to Sustain Natural and Working Lands Carbon in Communities (*Sen. Bruce Tarr and Sen. Marc Pacheco; Rep. Sarah Peake, Provincetown, and Rep. Bradley Jones, North Reading*)

- These bills would require EEA to measure carbon stored by, and released from, natural and working lands; set a goal for increasing the size of our natural carbon sink; develop a plan to reach it with public and private lands; and establish a municipal technical assistance program.
- The bills have been sent to "study. As standalone bills, they are unlikely to move forward.
- However, in January, TNC, the Trustees, and other partners were successful in amending the Senate's Next Gen Climate bill with abbreviated language that would accomplish the goals set forth in this legislation. There was a roll call vote on the language that received unanimous support, and

four Senators spoke on the floor about the importance of carbon in natural and working lands. Partners will now work with leadership in the House to ensure the natural and working lands language remains in any climate bills that move forward.

S.2254, An Act Establishing the Office of Outdoor Recreation (*Sen. Adam Hinds, Pittsfield*)

- This bill would establish an office of outdoor recreation for Massachusetts within the Executive Office of Energy and Environmental Affairs (EEA) for the purpose of promoting and marketing outdoor recreational activities available throughout the state, to support economic development in Massachusetts, and to improve the quality of life, health and well-being of the state's residents
- Heard by ENRA in April; reported favorably in June and referred to the Senate Ways and Means.

H.4415 (previously H.897), An act relative to forest protection (*Rep. Susannah Whipps, Athol*)

- This bill has been redrafted (and merged with several other bills) to establish a commission that would investigate the extent and adequacy of the management of state-owned and privately-owned forest land in the commonwealth, the study of the ecological soundness of different approaches to timber cutting, and policies as they relate to climate change, the role of biomass as a renewable or alternative energy source, the economic impact of the forestry industry under the state forest cutting law.
- This bill is now being considered by House Ways and Means.

PILOT payments. Several bills were filed this session. Two were reported out of committee:

- A commission to study state PILOT payments (filed by Sen. Hinds, S.1861)
- A special commission to create a PILOT program to fairly compensate cities and towns with significant amounts of non-taxable property (filed by Rep. Whipps, H.2658)

Pesticides. In November, ENRA heard a suite of bills related to pesticides, including some aiming to ban glyphosate sales or use on public lands. Here's a quick synopsis of each:

H.791 and H.792 were redrafted and reported out favorably by the ENRA Committee. The redraft (H.4413) would require any user of glyphosate to hold a general use permit in order to purchase and use a product containing glyphosate.

S.499 would restrict the use of products containing glyphosate on state owned lands, unless the person using the product is a licensed applicator. S.499 was reported favorably, but we do not yet know to what committee it was sent.

Adaptation/Mitigation Funding

S.10, An Act providing for climate change adaptation infrastructure investments in the Commonwealth (*Governor Baker*)

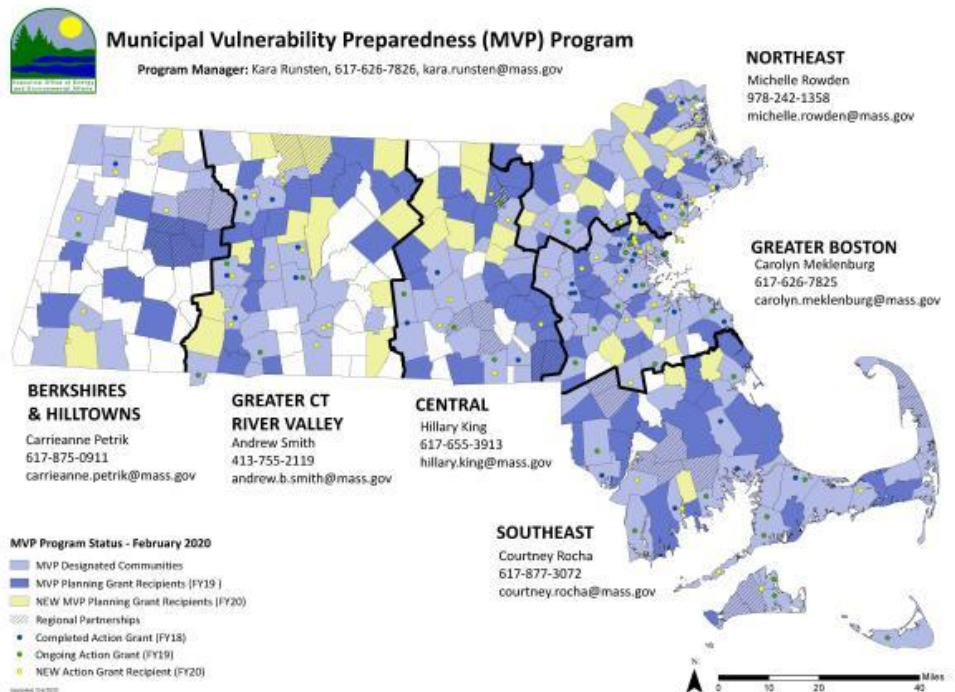
- This bill would increase the deeds excise rate, ultimately raising approximately \$1 billion over 10 years for technical and financial assistance to communities and infrastructure adaptation.
- Bill was heard by the Joint Committee on Revenue last June and is still under consideration.

H.3997, An Act Relative to Greenworks (House Speaker Robert DeLeo)

- GreenWorks would establish a \$1 billion, 10-year bond program to provide grants and loans to communities to enhance climate change mitigation and adaptation investments in infrastructure, projects and resources. The GreenWorks bill passed the House in 2019.
- Advocates from The Trustees, TNC, Mass Audubon and Mass Rivers Alliance, met with Senate Bonding Committee Chair Moore to share the priorities conservation organizations would like to see in Greenworks, including providing funding for biosequestration and ecosystem-scale projects and allowing NGOs to serve as project managers.

Climate Change

82% of MA communities are now participating in the **Municipal Vulnerability Preparedness Program**. In February, EEA awarded \$1M in Planning Grants to 38 cities and towns and over \$10.5M in Action Grants to cities, towns, or regional partnerships. At least one, in Gosnold, is a land conservation project (\$1.4M). Regional coordinators are listed in the graphic.



The Baker-Polito Administration released a draft of its formal determination letter establishing net zero greenhouse gas emissions as the

Commonwealth’s new legal emissions limit for 2050 (under the Global Warming Solutions Act). The letter begins a month-long public comment period during which the EEA will seek input and engagement regarding the details of the state’s new net zero limit. The new net zero limit, together with the Commonwealth’s ongoing “2050 Roadmap” planning effort to achieve that limit, will be discussed during a series of seven public meetings throughout the Commonwealth in March. Conservation partners are working hard with EEA and the Legislature to ensure that natural climate solutions (carbon stock and biosequestration) are included in the Commonwealth emissions reductions planning, programs and policies.

The MA Department of Energy Resources is expected to promulgate final regulations soon for proposed changes to the regulations regarding the **Renewable Portfolio Standard** eligibility requirements (and scaled scoring) for electricity generation from biomass, hydropower and solar. In the meantime, land trusts could consider working with towns to strengthen weak solar by-laws.

Federal Public Policy

Land and Water Conservation Fund

Building on the historic successful permanent reauthorization of LWCF in 2019, bipartisan bills to permanently fully fund the program at \$900M/year have been introduced in the House (H.3195) and Senate (S.1081). The entire MA Congressional delegation have signed on as co-sponsors.

Just this week (Wednesday, March 4), a bipartisan Senate bill was announced that would combine both the LWCF full funding bill (S. 1081) and the Restore America's Parks Act (ROPA – S.500), which would address the maintenance backlog. The bill is still collecting original co-sponsors, so please encourage Senator Warren and Senator Markey to sign on. The President has indicated that he will sign this bill, should it pass. More information is available here: <https://www.lwcfcoalition.com/press-releases>

Recovering America's Wildlife Act

This bipartisan bill (H.3742) would dedicate \$1.3 billion annually to state fish and wildlife agencies to implement their science-driven wildlife action plans, and an additional \$97.5 million to tribal wildlife managers to conserve species on tribal lands and waters. This bill was reported favorably by the House Committee on Natural Resources in December and sent to House Budget; however, there is still no Senate companion bill.

Halt Abusive Conservation Easement Transactions

The Federal income tax deduction for permanent conservation easements is a crucial land conservation tool; however, syndicated easement transactions rely on abusive appraisals to provide tax benefits to investors. The bipartisan Charitable Conservation Easement Program Integrity Act has been introduced in the House (H.1992) and the Senate (S.170) to prevent abuse while ensuring that most landowners can continue to benefit from truly charitable gifts of conservation easements. This bill would disallow a charitable deduction only when a large profit is made in a short time from the donation of a conservation easement. This bill is supported by the national land trust community. There has been no recent action.