

# Public Policy Update

## MLTC Steering Committee Meeting

December 10, 2021

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### American Rescue Plan Act Spending Update

In March 2021, Congress sent \$3.4 billion to Massachusetts cities and towns, and an additional \$5.3 billion to the Commonwealth of Massachusetts in American Rescue Plan Act (ARPA) funds to invest in economic growth, jobs, and resilience. At the time of the writing of this update, the MA Legislature passed a \$4 billion spending bill, which is on Governor Baker's desk. This bill steers \$2.5 billion in ARPA funds and \$1.5 billion in state operating funds to Covid relief efforts. There remains another \$2.5 billion in ARPA funding to be allocated in 2022 and 2023. MLTC and partners advocated for significant ARPA funding for our collective priorities. We had several successes including:

- \$100 million for "environmental infrastructure" including for MVP; and to protect and restore wetlands and habitat; improve soil health on farms and in forests; and remove dams and replace culverts. This section includes grants for nonprofits.
- \$100 million for wastewater, drinking water, and stormwater infrastructure improvements.
- \$25 million to plant trees on public, private, and nonprofit lands.
- \$15 million for land conservation and park creation and improvements (includes a provision to provide Conservation Partnership grants worth \$400,000).
- \$14 million for agricultural needs including improving soil health and increasing carbon sequestration and resilience on farms.
- \$10 million for the Community Preservation Act Trust Fund.
- \$7.5 million for community colleges to help train underserved populations for green jobs.

Our coalition intends to continue to engage in both implementation of these funds and the next tranche of funding (which will come after an analysis of funding coming to Massachusetts from other federal spending bills).

### State Legislative Update

The following bills have been selected as legislative priorities by the MLTC Policy Committee. Notable updates are **bolded**:

S.1986/H.2960, *An Act increasing the conservation land tax credit* (Sens. Tarr and Hinds; Reps. Jones and Pignatelli)

- The bill would raise the annual cap under the Conservation Land Tax Credit (CLTC), the state income tax credit for donations of conservation land, from \$2 million to \$5 million - phased over three years. It would also amend the definition of a "public or private conservation agency" that may receive donations of land and provide a ten-year sunset.
- Referred to the Joint Revenue Committee; **hearing scheduled for Monday, December 13 at 10am; however, only written testimony is being accepted.**

S.524/H.851, *An Act preserving open space in the Commonwealth* (Sen. Eldridge; Rep. Balser)

- Previously known as the Public Lands Protection Act (PLPA), this bill would prevent loss of constitutionally protected Article 97 lands by requiring replacement land, as well as notification to EEA prior to filing legislation to dispose of land. The legislation codifies EEA's current "no net loss" policy.
- This is a recommendation of EEA's Resilient Lands Initiative (which has not yet been finalized and released.)
- PLPA was engrossed (passed) by the House on July 28, 2021 and is in Senate Ways and Means.

S.603/H.983, *An Act establishing a Massachusetts flood risk protection program* (Sen. Pacheco; Rep. Peake)

- This bill would require the state to create a new Flood Risk Protection Program (FRPP) to eliminate risk of flooding by acquiring homes, small businesses, and nonprofit properties from interested owners and helping them relocate. The FRPP would cover inland and coastal properties and would be entirely voluntary. Once property is acquired, the legislation requires the removal of structures and the permanent conservation of the land. A new climate resilient landscape would serve as a natural buffer against flooding to protect communities and natural resources.
- **Advocates testified in favor of the FRPP legislation at an ENRA Committee hearing on December 7. Our testimony was well received by committee members.**

H.2977, *An Act relative to the classification and taxation of urban public access land* (Rep. LeBoeuf)

- This bill would add a new chapter 61C entitled, Classification and Taxation of Urban Public Access Land. The bill incentivizes the protection of urban open space by reducing the acreage of land eligible for the Chapter 61 tax program to 5,000 square feet for land that is retained as defined open space or recreational resource open to the public. It also sets out parameters for valuation and changes of use.
- This is a recommendation of the Resilient Lands Initiative.
- Referred to the Joint Revenue Committee; hearing not yet scheduled.

S.1875/H.2831, *An Act to reform payments in lieu of taxes for state-owned land* (Sen. Hinds; Rep. Blais)

- This bill would change the way PILOT program payments for state-owned lands are calculated for municipalities, based on recommendations in the State Auditor's December 2020 [PILOT Report](#). The goal is to increase and equitably distribute of PILOT funds to make sure the formula no longer disadvantages smaller, rural communities.
- Referred to the Joint Revenue Committee; hearing not yet scheduled.

S.560, *An Act Establishing the Office of Outdoor Recreation* (Sen. Hinds)

- This bill would create a new office focused on outdoor recreation within EEA to support, promote and market outdoor recreational activities available throughout the state. The office would coordinate with other secretariats and nonprofit and business partners, stimulate economic development, and improve the quality of life, health, and well-being of residents and visitors to the Commonwealth.
- This bill was heard b ENRA on May 18, 2021, but it has not yet been reported out of committee.

S.556/H.937, *An Act providing for the public health by establishing an ecologically based mosquito management program in the Commonwealth* (Sen. Hinds; Rep. Gouveia)

- This bill proposes comprehensive improvements to the way the state manages mosquitoes. It establishes a new Mosquito Management Office and new Mosquito Management Board within EEA and creates a system where pesticide use is allowed only for disease control under ecologically based management plans. It also creates streamlined notice and opt out requirements, and bans pesticides containing PFAS.
- **ENRA Hearing scheduled for December 14, 2021 at 1pm.**

S.2147 / H.3306, *An Act to Improve Outdoor Lighting, Conserve Energy, and Increase Dark-Sky Visibility* (Sen. Creem; Rep. Garbally)

- This bill would promote energy-efficient lighting practices by requiring municipal- and state-funded projects to adopt standards for exterior lighting that meet best standards for human and wildlife habitat, require the Mass. Department of Transportation to update its criteria for road lighting, and require the Mass. Department of Public Utilities to establish incentives for energy efficient street lighting.
- The Joint Committee on Telecommunications, Utilities and Energy heard this bill on September 29, 2021, but it has not yet been reported out of committee.

## State Administrative Update

### **Mosquito Control Task Force**

A consultant hired by the state has issued a [report](#) on mosquito control. The report confirms that there is no system for tracking the effects of mosquito control practices, either in reducing mosquitoes or on the impacts of mosquito spraying on people or the environment. It acknowledges that several pesticides used widely in the program are highly toxic to bees, fish, and many other beneficial species. Meanwhile, the state denied 11 of the 35 municipal requests to opt-out from spraying. The Mosquito Control for the 21<sup>st</sup> Century Task Force is developing recommendations for updating the program. See the [NOFA website](#) for more information on this effort and the reform bill.

### **MA Clean Energy and Climate Plan**

Based on requirements adopted in March 2021 in the Next Generation RoadMap Climate Policy Law, EEA is in the process of revising its *Interim Draft 2030 Clean Energy and Climate Plan* (CECP). EEA has released a work plan that includes:

- Fall 2021: Public meetings around the 2025 and 2030 emission limits, sublimits, and carbon sequestration baseline and goals;
- Winter 2022: Public meetings on the proposed interim emissions reduction targets and carbon sequestration goals for 2025 and 2030 and the proposed plan to achieve those targets and goals;
- By July 1, 2022: Determination of the 2025 and 2030 emissions limits and sublimits, and release of 2025/2030 CECP.

In the near term, IAC Workgroups will be working on program design for policies recommended in the CECP, focusing on prioritization, program delivery, implementation, and funding.

### **Ground Mounted Solar**

The MA Department of Energy Resources (DOER) and MassGIS completed the [Solar Siting Analysis](#) of ground mounted solar that was developed between 2010-2019. DOER has announced it is planning on assessing solar, including how much solar could be sited in Massachusetts; identify preferred locations, barriers to development and potential solutions; assess cost implications and environmental considerations.

Recently a grassroots group was formed that asking for a moratorium on large ground-mounted solar. You can learn more about the effort here <https://savethepinebarrens.org/solar-2>.

A coalition of organizations recently released a [joint statement](#) proposing principles to encourage deployment of solar power in a manner that coordinates climate mitigation with resiliency, biodiversity and equity goals, including:

1. Maximize deployment of solar power within the more than 1 million acres of land that are already developed or degraded, including rooftops, parking lots, and other low-impact areas with minimal ecosystem service values
2. If further analysis shows that additional capacity is needed outside those areas, determine which natural or working lands and waters are most and least appropriate for solar energy using spatial analysis and stakeholder input
3. Avoid, minimize, and mitigate impacts to natural and working lands<sup>1</sup> and waters and the valuable benefits they provide including biodiversity and climate resilience.

If you are interested in adding your organization's name to this statement, please sign on [here](#).

### **DCR Special Commission**

The DCR Special Commission concluded this week. A report of their findings can be found [here](#).

## **Federal Policy Update**

### ***Bipartisan Infrastructure Package***

In November, Congress passed the \$1.2 trillion bipartisan Infrastructure Investment and Jobs Act (IIJA), which the President swiftly signed into law. This is a once in a generation investment in our nation's infrastructure, and the bill weaves the concept of nature as infrastructure throughout. Based on formulas in the law, over \$9 billion is expected to come to MA for roads, bridges, water systems and other infrastructure needs, plus a range of grant opportunities (see fact sheet [here](#)). Funds will be administered by both state and federal agencies.

The IIJA includes significant funding for the land trust community to advance natural climate solutions, ecosystem restoration projects, and upgrades to transit and active transportation to help people access open space and trails, including:

- \$492 million for NOAA's National Coastal Resilience Fund grants, which can be accessed by land trusts for coastal land conservation;
- \$1 billion to the Federal Emergency Management Agency's Building Resilient Infrastructure and Communities (FEMA BRIC) grant program. The BRIC program was created in 2018 and focuses on proactive investments in community resilience with a focus on natural infrastructure (verses FEMA's reactive disaster relief programs);
- \$1.7 billion to the US Environmental Protection Agency's watershed programs (for specific watersheds);
- \$90 million for a new joint Chiefs Landscape Restoration Partnership Program between the USDA Natural Resources Conservation Service and the US Forest Service to restore habitat on private lands;
- Provisions to enhance the facilitation of interstate electric transmission projects while including safeguards to avoid disrupting sensitive environmental and cultural heritage sites.
- \$1.44 billion per year for the legacy Transportation Alternatives Program (which includes the Recreational Trails Program);
- \$200 million a year through a new competitive grant program to plug gaps in existing transportation networks and improve access to essential destinations; and
- \$200 million a year for the Reconnecting Communities pilot program, which will address the damages caused to BIPOC and low-income communities by the interstate highway system, including through projects that promote active modes like pedestrian bridges and highway removals.

### ***Build Back Better***

Last month, Democrats in the House passed the \$1.75 trillion Build Back Better Act, also referred to as "Reconciliation." The bill is now being evaluated by the Senate Parliamentarian and Senate Democrats. Build Back

Better could bring \$550 billion in investments in clean energy, climate-smart forestry and agriculture initiatives, and a Civilian Climate Corps, among other important provisions. A few highlights include:

- Climate-Smart Agriculture and Forestry funding to enhance the health and capacity of our natural and working lands to store carbon and help meet emissions reductions goals, including \$28 billion for Farm Bill conservation programs and significant investments in urban and community forestry programs.
- The Civilian Climate Corps and the Clean Energy Technology Accelerator would direct much-needed human and financial resources to improve the resilience of our communities and deploy clean energy where it is needed most.
- A \$3.95-billion Neighborhood Access and Equity grant program, which will complement Reconnecting Communities by funding a broader range of reparative projects in communities harmed by highways, including active mobility initiatives

It is expected that the US Senate will edit the bill, and negotiations are ongoing.

### ***Abusive Syndicated Conservation Transactions***

While the initial versions of the Build Back Better Act included the Charitable Conservation Easement Program Integrity Act, syndicators and their allies successfully advocated for the language to be removed in the House bill. There are efforts to have it added on the Senate side, and it would be helpful to have land trusts reach out to Sens. Warren and Markey to urge them to reinstate the legislation in the larger package.

At the same time, efforts continue to pass the standalone bill – the bipartisan Charitable Conservation Easement Program Integrity Act was reintroduced in the House (H.R. 4164) and Senate (S. 2256) on June 24, 2021. The House bill was introduced by Reps. Mike Thompson of California and Mike Kelly of Pennsylvania. Currently, no members of the Massachusetts delegation have signed onto the bill.

### ***Farm Bill***

The Land Trust Alliance's Farm Bill Working Group is currently fleshing out recommendations for the 2023 Farm Bill, if you would like to join the group, you can email Manager for NRCS Programs, Nikki Nesbary at [nnesbary@lta.org](mailto:nnesbary@lta.org).