



MASSACHUSETTS  
LAND TRUST  
COALITION

## Public Policy Update

June 14, 2024

### Healey-Driscoll Administration Updates

#### Forests as Climate Solutions Work Plan

On June 10, the Healey-Driscoll administration released a [comprehensive work plan](#) outlining strategies to protect and manage forest lands while prioritizing efforts to address climate change impacts. The plan presents a detailed timeline for acting on [recommendations of EEA's Climate Forestry Committee](#) that were released earlier this year.

#### PLPA Implementation

The Executive Office of Energy and Environmental Affairs (EEA) maintains [a website](#) with information of importance to any community facing proposed diversion of public parks and conservation land to another use. It includes guidance for how to comply with *An Act conserving open space in the Commonwealth* (commonly referred to as the Public Lands Preservation Act, or 'PLPA'), which took effect on February 17, 2023. While the website's PLPA Guidance, Frequently Asked Questions, and ["PLPA Portal"](#) are very helpful, EEA has yet to launch the long-awaited "PLPA Tracker", which will provide much-needed transparency regarding the status of pending Article 97 actions **EEA has also yet to promulgate regulations to implement the law, even though the May 2024 legislated deadline to do so has passed.**

#### Energy Infrastructure Siting Commission

On March 29, the Healey-Driscoll administration released the [Recommendations of the Commission on Energy Infrastructure Siting and Permitting](#) (CEISP). Governor Healey charged the Commission with expediting land-based renewable energy generation, storage, and transmission permitting, while avoiding impacts on people and nature. The CEISP called for legislation and made recommendations that can be adopted by the Administration. Importantly, the Commission included recommendations related to earlier engagement of both scientific and community review, to help ensure that decisions are made more equitably and efficiently, with better outcomes for the Commonwealth. Much work remains to be done by the administration, the legislature and the advocacy community to ensure that environmental, conservation and environmental justice is sufficiently incorporated into any new mechanisms to speed permitting for the critically needed infrastructure. Advocates are now actively engaged in translating these recommendations into legislative language and advocating for them to be included in an omnibus climate bill that is expected before the end of the current session. Mass Audubon, the Nature Conservancy and MACC were among organizations represented on this Commission. Along with AMC, they communicated priorities for legislation in an April 12<sup>th</sup> [sign-on letter](#) to the Legislature. (NOTE: AMC, TNC and MACC subsequently sent a corrective note to the Committee clarifying that they have not in fact taken a position on the issue related to biomass in the final bullet of the letter (page 9), after getting more clarity on an unintended consequence of the scope of that provision.)

#### State to Expand Tree Planting in Environmental Justice Communities

On April 26, Governor Healey announced a new **Cooling Corridors** program that will support municipalities, non-profits, and other organizations in their tree-planting initiatives. The program will specifically target

walking routes in areas that suffer from extreme heat, such as urban heat islands and hotspots, within environmental justice neighborhoods, and will be available beyond the 26 communities currently eligible for the existing [Greening the Gateway Cities](#) tree-planting program. Information on how to access the program is pending.

### **Chief Coastal Resilience Officer Named**

On June 3, Deanna Moran began serving in the new role of Chief Coastal Resilience Officer within the Office of Coastal Zone Management. She will lead the state's new [ResilientCoasts](#) initiative, a proactive strategy to guide coastal resiliency policy and action. Moran most recently served as Vice President for Healthy and Resilient Communities at the Conservation Law Foundation.

### **New Regulations for Air Quality Permits Near Environmental Justice Populations**

On March 28, the Healey-Driscoll Administration announced changes to state air pollution regulations. Facilities seeking emissions permits will now be required to conduct a site-specific cumulative impact analysis (CIA) which evaluates existing local environmental and health conditions in a community. The regulations also require enhanced public outreach to, and meaningful involvement of, environmental justice populations in the permitting process. "This approach takes a holistic look at what existing conditions might be worsened by a new or increasing source of air pollution," said Energy and Environmental Affairs Secretary Rebecca Tepper. The new regulations apply to comprehensive plan applications submitted on or after July 1, 2024. [Learn more.](#)

### **Administration Launches Climate Action Campaign**

On March 11, the Healey-Driscoll Administration launched a statewide media campaign to raise awareness about climate change and promote ways for individuals to take climate action. The campaign was shaped by research conducted by The Executive Office of Energy and Environmental Affairs to assess Massachusetts residents' perceptions, motivators, and barriers to taking climate action. The media campaign directs people to resources hosted on [mass.gov/ClimateAction](https://mass.gov/ClimateAction), including information on how to participate in energy efficiency, weatherization, electric vehicle adoption, and residential solar programs.

## **2023-2024 State Legislative Priorities (updates since March 8, 2023 are in bold)**

MLTC supports a limited number of legislative priorities that advance our primary strategic objectives: increasing state investment in land conservation; advancing the work of land trusts; and maximizing the integrity of conservation land and unprotected lands of significant conservation value.

### **Top MLTC Priorities**

#### **An Act relative to the conservation land tax credit ([H.2839/S.1940](#), Rep. Jones and Sen. Tarr)**

MLTC's top legislative priority this session. A hearing on the bill was held June 6, 2023, before the Joint Committee on Revenue. Linda Orel (The Trustees) coordinated submission of [joint testimony on behalf of 21 organizations](#) and a panel including Robb Johnson, Tara Christian (TNC), Alain Peteroy (Franklin Land Trust) and Jessica Whritenour (The 300 Committee Land Trust) delivered live testimony. This 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. The program cap would revert to \$2 million after 10 years. The bill also amends the definition of an eligible "public or private conservation agency" to include all land conservation trusts regardless of their corporate structure. (The current statute inadvertently excludes land trusts that are chartered as charitable trusts rather than non-profit corporations.) Passage is a recommendation of the Resilient Lands Initiative and Forests as Climate Solutions Initiative. The Joint Committee on Revenue reported this bill favorably. **Language based on this**

bill was added to the House version of the FY25 State Operating Budget in April, but not to the Senate version passed in May. MLTC joined many partners in [a June 10<sup>th</sup> letter](#) to the Conference Committee urging inclusion in the final version of the Budget the legislature will send to the Governor in coming weeks. On May 24, WBUR ran an excellent [radio story](#) on the need for this legislation, which we encourage you to forward to your legislators with a request that they support passage of this bill before the end of this session.

### State Operating Budget

MLTC was pleased to see that funding for environmental agencies generally fared well in the versions of the FY25 State Operating Budget passed by the House in April and the Senate in May. Differences between the budget versions are currently being worked out in a Conference Committee. As noted above, MLTC is urging the Conference Committee to include language from the House version to expand the Conservation Land Tax Credit.

### Environmental Bond

The Commonwealth issues bonds to fund capital spending on the land acquisition and restoration programs that are critical to our work as well as other environmental projects. In anticipation of the next bill, **expected early in 2025**, MLTC is working closely with our conservation partners to advocate for the bill to authorize investments that expand and create new programs in alignment with our priorities.

### Other Bills MLTC Supports

#### **An Act relative to uniform partition of heirs property** ([H.1744](#), Rep. Roy., SD 2816, Sen. Payano)

The bill was heard before the Joint Committee on the Judiciary on October 31, 2023, with multiple speakers in favor. Click [here to see testimony](#) submitted by American Farmland Trust. Heirs property is real estate owned by the legal heirs of a previous owner when there is no will. Under state law, multiple heirs take ownership as tenants-in-common, an unstable form of ownership that too often results in the heirs losing the land through a forced partition sale. The bill would institute new process protections for heirs in such situations by requiring that co-tenants receive fair market value in any partition sale, and generally providing that co-tenants have an option to buy. With endorsement by the Uniform Law Commission, provisions of this bill have already been adopted in 22 states and districts. Millions of dollars of inherited wealth have been lost nationally by families who were vulnerable to real-estate speculators, disproportionately impacting low-income property owners without resources for estate planning. Nationally, forced partition sales have been cited as a significant factor in conversion of agricultural property. MLTC joins a coalition including American Farmland Trust, The Northeast Farmers of Color Land Trust, Mount Grace Conservation Land Trust, The New England Land Title Association and the Greater Boston Real Estate Board in favor of this legislation. The Judiciary Committee failed to report the bill favorably, sending it to study. The coalition continues to meet to discuss strategies for moving forward.

#### **An Act investing in natural and working lands** ([S.448](#), Sen. Comerford)

A hearing on this bill was held October 11, 2023, before the Joint Committee on Environment and Natural Resources. Meeting the natural and working lands goals in the Clean Energy Climate Plan (CECP) will require new tools. This bill would create a local opt-in program under EEA called “Farm and Forest Friendly Communities,” to incentivize municipalities to make land use and planning decisions that reduce loss of farmland and forests. Communities would receive technical and financial assistance and increased payments in lieu of taxes on state-owned land. Consistent with CECP recommendations, this bill would also direct DEP to set a MEPA review threshold for projects that involve certain levels of forest clearing or farmland conversion, and recommend a successor to the SMART solar siting incentive program that would minimize impacts to priority forest and farmland. Read a [summary and bill text here](#). The Environment and

Natural Resources Committee failed to report the bill favorably, sending it to study.

**An Act to encourage solar development on buildings and disturbed land** ([H.3225](#), [S.2150](#), Reps. Lindsay Sabadosa & Sean Garballey/Sen. Mark)

A hearing on this bill was held June 20, 2023, before the Joint Committee on Telecommunications, Utilities and Energy. Massachusetts has committed to deploying solar energy that maximizes clean energy generation, avoids impacts on humans and natural communities, and connects efficiently to the grid. This bill would help achieve these goals by encouraging installation of solar panels on buildings and disturbed sites, such as parking lot canopies, brownfields, and roadway cuts. It would require the Department of Energy Resources to make change to existing policies and programs, such as net-metering and SMART, to increase incentives for generation and siting of solar projects in the built environment. Sierra Club is leading the effort on this bill. MLTC signed on to [joint testimony](#) submitted June 23, 2023. The Telecommunications, Utilities and Energy Committee extended the deadline for reporting on this bill to April 7, 2024. **It is possible that aspects of this bill may addressed in energy facilities siting provisions of an omnibus climate bill expected before the end of the legislative session this summer.**

**An Act to create a commission to determine the feasibility of voluntary acquisition of flood risk properties** ([H.876](#), [S.557](#), Rep. Sarah Peake, Sen. Marc Pacheco)

A hearing on this bill was held May 17, 2023, before the Joint Committee on Natural Resources. The Trustees is leading the effort on this bill, and [submitted testimony on behalf of a coalition of 12 organizations](#), including MLTC. This bill would create a new commission to bring together agency officials, legislative leaders, and expert stakeholders to study the feasibility of a voluntary acquisition program for properties that are subject to risk of catastrophic flood damage --- helping owners and renters move out of harm's way while conserving land and restoring wetlands to increase climate resiliency. The commission would be tasked with making concrete recommendations to lawmakers for how to address this difficult and pressing issue, especially for Massachusetts' most vulnerable residents. Learn more about the bill [here](#). The Healey-Driscoll Administration launched a ResilientCoasts Initiative on November 28, 2023, under which MEMA has hired a consultant to conduct a statewide study (including coastal and inland lands at risk of flooding) that will hopefully meet many of the objectives of this bill. If done well, this study could meet many or all of the objectives of this bill. Advocates for this bill will encourage administrative officials to ensure the study emphasizes the importance of recommending a pre-disaster statewide property buyout program in their report, and to ensure the study process includes the following: Meeting with stakeholders and experts; prioritizing the needs of EJ communities, low income homeowners, and tenants; ensuring recommendations encourage wetland and flood plain restoration to provide climate resilience benefits and ecosystem services, and providing a deadline for the report to be issued. The Environment and Natural Resources Committee reported this bill favorably **and discharged it to the Joint Committee on Rules in April.**

**Outdoor Recreation Act** ([H.757](#), [S.488](#) Rep. Natalie Blais & Sen. Paul Feeney)

A hearing on this bill was held October 11, 2023, before the Joint Committee on Environment and Natural Resources. This bill would create a statewide dedicated fund to ensure the success of the newly created Massachusetts Office of Outdoor Recreation and provide grants for outdoor recreational purposes, with priority given to projects that benefit underserved and Environmental Justice populations. There would be no increase in sales tax, but existing sales tax revenues received by the Commonwealth from the sale of sporting goods would be placed in the Outdoor Recreation Trust Fund for the purposes of conservation, creation, preservation, and restoration of natural resources for recreational use. The Trustees and Charles River Watershed Association are leading the effort on this bill. MLTC signed onto [joint testimony submitted](#) on October 6, 2023. A fact sheet on the bill can be found [here](#). The Environment and Natural Resources

Committee failed to report the bill favorably, sending it to study.

**An Act to reimburse the George L. Darey Inland Fisheries and Game Fund (S. 499, Sen. Gobi)**

A hearing on this bill was held on November 29 before the Joint Committee on Environment and Natural Resources. The effort is coordinated by The Nature Conservancy and The Trustees, and MLTC signed on to joint testimony from 12 organizations in support. The Division of Fisheries and Wildlife (MassWildlife), which works to conserve and restore critical fish and wildlife habitat and plant species and to deliver education programs, is primarily funded through hunting and fishing license fees deposited in the Inland Fisheries and Game Fund. This legislation would create consistency and reimburse MassWildlife for the loss of revenue associated with providing both discounted (currently reimbursed) and free hunting and fishing licenses. The Environment and Natural Resources Committee reported this bill favorably **and referred it to the Senate Ways and Means Committee. Language based on this bill was added to the Senate version of the FY25 State Operating Budget passed in May. MLTC joined many partners in [a June 10<sup>th</sup> letter](#) to the Conference Committee urging inclusion in the final version of the Budget the legislature will send to the Governor in coming weeks.**

## Land Trust Alliance Federal Policy Updates

Massachusetts Land Trust Coalition Conservation Partners Meeting  
Friday, June 14

### Congress

Last month, House Speaker Mike Johnson announced an ambitious timeline to pass all 12 appropriations bills for fiscal year 2025. Determined to complete the task before members of Congress head home for August recess, the appropriations process is now well underway. The first bill expected to be voted on is the Military Construction and Veterans Affairs legislation – one of the less controversial. Additional bills that are expected to be released in coming weeks include Defense, Homeland Security, Financial Services-General Government and State-Foreign Operations. Across the board cuts to nondefense funding is expected including a reduction of funding for Interior, EPA and related agencies from \$41 billion to \$36.94 billion. Funding for Agriculture is expected to be cut by \$355 million than currently enacted. In addition, we expect to see deep cuts across the board for funding related to climate change as well as a lot of bad policy riders. The Alliance plans to continue to monitor the appropriations process and keep members updated about funding for key agencies and programs for our community.

### Farm Bill

On May 23, House Agriculture Committee Chair GT Thompson (R-Pa.) marked up H.R. 8464, the Farm, Food and National Security Act of 2024 in committee. The bill, which includes the vast majority of the Land Trust Alliance's recommendations, passed out of committee on a 33-21 bipartisan vote.

The House bill text makes important changes to the Agricultural Conservation Easement Program. It would:

- Increase annual funding for the Agricultural Conservation Easement Program from the current funding level of \$450 million to \$600 million in FY25 and growing to \$700 million in FY29.
- Increase the federal share to 65% for most transactions.
- Increase the federal share to 90% for socially disadvantaged landowners.
- Provide flexibility for minor easement modifications.
- Exempt ACEP from the Adjusted Gross Income limitation.
- Unfortunately, it strikes all references to Buy-Protect-Sell transactions under ACEP.

In addition, the bill would:

- Establish the Forest Conservation Easement Program with mandatory annual funding starting at \$25 million in FY25 that would grow to \$65 million in FY29.
- Allow up to 10% of RCPP project agreements to cover eligible partner administrative costs.
- Recognize certified entities for RCPP easements.

One additional note: The bill would reinvest the remaining Inflation Reduction Act funds, about \$14 billion, into the conservation title without the climate sideboards. Following the House vote, Chair Thompson said he does not anticipate bringing the bill to the House floor until September to provide time for negotiations.

Over in the Senate, the Chair of the Senate Agriculture Committee, Debbie Stabenow (D-Mich.), released a detailed summary of a Senate bill, the Rural Prosperity and Food Security Act, earlier this month. The summary also reflected most of the Alliance Farm Bill recommendations including clarifications to make

Buy-Protect-Sell work as intended; however, it did not include FCEP. Agriculture Committee Ranking Member, John Boozman (R-AR) is expected to release his “framework” sometime in the next week or so.

It is possible for Congress to pass a Farm Bill this year and there are many reasons why doing so makes sense, including the fact that a delay beyond this year will mean less IRA funding to reallocate into baseline funding. As such, we need to be sure members of Congress hear from our community.

*Call to Action:* : If you have not done so already, please help the Alliance in delivering a cohesive message to Congress about the importance of passing the Farm Bill this year. Upon determining [who represents you in Congress](#), [email their staff](#) and urge their office to support the Alliance’s Farm Bill recommendations and to pass the Farm Bill this year. At same time, please consider 1) urging your elected officials to include supporting the Forest Conservation Easement Program Act with mandatory funding; 2) share stories with them about the benefits of perpetual easements for their district/state and 3) invite the member of Congress to visit a conserve land trust property this summer. Once you have completed this request, please email [policy@lta.org](mailto:policy@lta.org).

### **Current Federal Funding Opportunities**

As a reminder, the Alliance has launched a site dedicated to providing a listing of all current federal funding opportunities. One of the newest funding opportunities added was the announcement by the United States Department of Agriculture’s Natural Resources Conservation Service (NRCS) regarding proposals for the 2024 Regional Conservation Partnership Program (RCPP). NRCS announced its highest ever funding for RCPP with \$1.5 billion available during the current sign-up period which ends July 2nd.

To access the website and obtain additional information about the RCPP opportunity and other funding opportunities, [click here](#).

### **Expanded Partnership with Natural Resources Conservation Service**

The Alliance continues to build out services as part of its expanded partnership agreement with the Natural Resources Conservation Service. As previously noted, we welcomed Justin Merrifield to our team as senior project manager for the NRCS Conservation Acquisitions team in January; and in March, Jeremy Lougee, our new Regional Conservation Partnership Program (RCPP) Program Manager came onboard.

Justin’s NRCS Conservation Acquisitions Team will be responsible for rolling out assistance for land trusts on NRCS easements. In the next month, three additional staff members will join the team and assist the Alliance in beginning to support land trusts interested in protecting farms and ranches using ACEP-ALE and RCPP. For land trust staff that are interested in these programs but have had concerns about staff capacity, knowledge and understanding or the bureaucratic lift that can come with the programs, the Conservation Acquisition Team will be able to offer one-on-one support, knowledge sharing, and document assistance to get these critical federal dollars on the ground to protect our nation’s food and fiber system. The team will roll out the services they can offer by hosting a webinar on June 24. Registration is currently open and free of charge thanks to our NRCS partnership. Reach out to Justin at [jmerrifield@lta.org](mailto:jmerrifield@lta.org) for more information.

In the RCPP Program Manager role, Jeremy serves as a joint resource for land trusts and NRCS personnel to strengthen participation in RCPP, deliver training opportunities, and coordinate the development of online resources to better align land trust expectations and NRCS delivery of the program. Since launching, we have already seen significant growth in land trust interest and utilization of these

resources, and we expect further engagement as the [newly announced \\$1.5 billion in USDA funding](#) finds its way to partners. Jeremy also recently hosted a webinar with NRCS on June 12 focused on writing a successful RCPP-proposal. The webinar is free and recording will be available on the Alliance Resource Center online. Jeremy is also working closely with the Alliance's Community-Centered Conservation Department to engage historically underrepresented landowners and land trusts in RCPP, ensuring it benefits all people, particularly those who have been harmed or excluded by racism and other forms of oppression. For inquiries about the Alliance RCPP services, reach out to Jeremy at [jlougee@lta.org](mailto:jlougee@lta.org).

This summer the Alliance and NRCS are hosting the third joint in-person summit to strengthen participation in ACEP-ALE and RCPP. This facilitated invite-only event brings together NRCS national team members and land trusts to have solution-focused discussion on ways to streamline the programs and get more conservation dollars out on the ground. The summit is curated for land trusts active in both programs. Registration is open now. Reach out to Nikki Nesbary at [nesbary@lta.org](mailto:nesbary@lta.org) for more information.