

Public Policy Update
MLTC Steering Committee Meeting
December 11, 2020

Presented by Emily Myron, Policy Manager, The Nature Conservancy

Meet Your New Legislators

In January, [19 new legislators](#) (two senators and 17 representatives) will join our friends on Beacon Hill for the 2021-2022 session. If a new legislator will be representing your service area, now is the time to start reaching out to introduce yourself and begin building a relationship with them.

State Operating Budget Success!

In December, the legislature passed an operating budget for Fiscal Year 2021 (FY21). In an incredible acknowledgement of the critical role nature plays in our wellbeing and economy, all four Green Budget Coalition priority line items saw increases! This includes the highest amount the Natural Heritage and Endangered Species program has seen in nearly 20 years. The budget is now before the Governor.

	Line Item	FY20	Green Budget Ask	House	Senate	Conference Committee
DCR Parks and Recreation	2810-0100	\$47,250,000	\$ 50,000,000	\$ 2,100,000	\$ 2,600,000	\$ 51,535,000*
DEP Administration	2200-0100	\$ 32,080,000	\$ 40,000,000	\$ 40,000,000	\$ 33,124,295	\$ 40,115,000*
Division of Ecological Restoration	2300-0101	\$ 2,100,000	\$ 2,600,000	\$ 500,000	\$ 154,222	\$ 2,600,000
Natural Heritage & Endangered Species Program	2310-0300	\$ 154,221	\$ 1,000,000	\$ 50,000,000	\$ 47,885,283	\$ 500,000

* DCR line item includes \$1.535M in earmarks and DEP includes \$115,000 in earmarks

The Green Budget Coalition will be meeting in the coming weeks to establish priorities for the FY22 budget.

State Legislation

The 2019-2020 legislative session ends on Tuesday, January 5, 2021; meaning conference committee members have only a few weeks to come to an agreement on outstanding pieces of legislation.

Pending State Climate Legislation

Both the Senate and House passed climate bills this year, establishing goals for reaching “Net Zero” greenhouse gas emissions by 2050 (of 1990 emission levels), setting interim emissions targets, and advancing other multi-sector emissions reductions efforts. Provisions around land-based carbon – a critical sector – were also adopted by both the Senate and House, and the House included an important Environmental Justice provision. The two chambers are currently working through their respective bill’s differences in a Climate Conference Committee.

Pending State Economic Development Legislation

Advocates were successful in working with both the House and Senate to include climate resilience, including nature-based solutions, as an eligible project type for two grant and technical assistance programs created in the pending economic development bills, which are currently being reconciled in an Economic Development Conference Committee. Partners are pushing for the Committee to adopt the Healthy Soils policy that made it

into the Senate's version of the bill and to make some technical changes regarding the definitions of Natural Resources Protection Zoning and Transfer of Development Rights.

Pending Public Lands Protection Act

The condensed version of the Public Lands Protection Act (PLPA) was filed as an amendment to the House budget; however, it was not adopted. If the bill does not pass this session, advocates plan to revisit the revised language and file a similar version next session.

Priorities for 2021-2022 Legislative Session

The next two-year legislative session in Massachusetts begins in January 2021. We expect many of the bills we have reported on to this group to be filed again. In addition, there are some new efforts that may be of interest to the land trust community (in no particular order):

- **Flood Risk Recovery Program:** Several partners are in the process of drafting original, comprehensive legislation, also known as “buyback” or “buyout” policy. A new program would allow nonprofit partners, state agencies and cities and towns to work together to use existing bond funds to purchase inland and coastal properties that suffer repetitive flooding and storm damage or are threatened by major climate change impacts.
- **Environmental/Climate Justice:** Next steps will depend on whether the EJ language is included in the final climate bill or not, this session. EJ considerations will be critical for environmental legislation.
- **No Net Loss of Forests/Carbon/Ecosystem Services:** The idea of “No Net Loss” has come up in a range of conservations, including the Resilient Lands Initiative, but what such a policy might look like is still being discussed. (Note: the PLPA is also often referred to as ‘No Net Loss;’ In this case, we are talking about “no net loss” of lands/services that are not yet protected.)
- **Funding for Climate Resiliency:** Despite several proposals for funding this session, it does not seem likely that there will be any new funding sources created. Partners are having conversations now about potential funding sources, and we expect at least one proposal to be filed next session.
- **Natural Climate Solutions:** Next steps will depend on what language is included in the final climate bill. It is likely that there will be opportunities to engage on legislation to advance natural climate solutions implementation through programs and/or funding/incentives.
- **Resilient Lands Initiative and Healthy Soils Plan:** Specific actions to be determined, but a number of policy recommendations are made in these two plans.

Administration

Renewable Portfolio Standard (RPS) Regulations are finalized

Hot off the presses on Friday, December 4, the Department of Energy Resources (DOER) issued final regulations for the RPS program. NGO partners are in the process of digesting the changes to the utility-scale biomass eligibility requirements. We are pleased that DOER chose to retain eligibility requirement for hydropower of recertification by the Low Impact Hydropower Institute instead of its proposal to substitute in FERC licensing.

Clean Energy and Climate Plan

In late October, the Implementation Advisory Committee of the Global Warming Solutions Act voted unanimously to accept the [recommendations](#) of the five working groups for the MA Clean Energy and Climate Plan for 2030. Recommendations focus on the biggest bang for the buck things MA can do to reduce emissions between now and 2030 related to climate justice and across electricity, building, transportation, and land use sectors.

[NBS Work Group policy recommendations](#) included: Setting goals and a baseline for natural carbon sequestration and storage; Avoided forest conversion; Restoration and protection of wetland systems' greenhouse gas sequestration and services; Reforestation and city trees; Net Gain of Ecosystem Functions/Services; Increase

carbon on working lands; and Operationalize nature-based solutions for new and redevelopment. EEA will issue a draft CECP towards the end of the calendar year and public input will be accepted through February.

Mosquito Control

The [Mosquito Control for the Twenty-First Century Task Force](#), created through legislation this summer and operated through EEA, has started meeting and recently issued an RFR to hire a consultant to assist the task force with its comprehensive review of the state's antiquated mosquito control system. The task force will review the existing landowner opt-out process, which is clunky for organizations that own large and/or multiple parcels – each parcel has to be entered every year and marked every 50 feet with No Spray signs. Land trusts should be aware of the [opt-out process](#) and get their info for 2021 in as soon as possible in the new year. Also, under the recent legislation, the state is supposed to be developing a process for communities that want to opt out of DPH-initiated spraying in response to elevated risk of EEE. This is still being developed.

Finally, several groups are drafting legislation to be filed in the next session that would overhaul the system and re-focus it on ecologically based approaches including restoration of streams and wetlands to support fish and other mosquito predators.

Federal Policy

Charitable Conservation Easement Program Integrity Act (Note: new numbers – S.4751/HR.8842)

The Charitable Conservation Easement Program Integrity Act will curb abuse of charitable tax laws through syndicated conservation easement transactions. In recent months and weeks, the bill has been refiled in both the Senate (S.4751) and the House (HR.8842) to close certain technical loopholes in the earlier version of the bill. Conservation groups are currently reaching out to ask for co-sponsors of the revised bills and to urge passage before the end of the year. If you reach out, please note that offices can contact Crozer Conner in Rep. Thompson's office for information about the status of the bill and to join as a co-sponsor. Also, be sure to refer to the bill by name – the Charitable Conservation Easement Program Integrity Act—to try to avoid confusion with the bill numbers, given the refiling.

Land and Water Conservation Fund (LWCF)

Since the passing of the Great American Outdoors Act (GAOA), there have been some challenges with implementation of LWCF. Advocates are working with appropriators to ensure that the program is implemented consistent with GAOA and the Dingell Act (which reauthorized the program).

EEA currently has an open grant round for Stateside LWCF (see [here](#)). Eligible applicants include municipalities that have an up-to-date Open Space and Recreation Plan, Department of Conservation and Recreation, Department of Fish and Game, and Massachusetts federally recognized tribes. We encourage land trusts to partner with eligible applicants to develop and propose projects. If you have questions, please contact Melissa Cryan at melissa.cryan@mass.gov.

Stimulus Efforts

There is discussion of a package that would extend existing support and funding that runs out at the end of this year, but it seems unlikely that there will be significant stimulus action this year. There will be an important role for the conservation community in advocating for natural resource investments when stimulus discussions start to move forward.