

**Public Policy Update**  
**MLTC Steering Committee Meeting**  
**September 17, 2021**  
**Presented by Emily Myron, Policy Manager, The Nature Conservancy**

*FY22 Green Budget Success!*

The Governor has signed into law the FY22 State Operating Budget, and all the Green Budget Coalition priorities were included, as well as earmarks for implementing the new climate law (we hope to get more money for this next year):

- **DEP:** \$33,434,358 plus pull through from last year, bringing the total to **\$40M**, which was our ask. Also includes \$160,000 earmark for staff to implement that climate law
- **DER:** **\$3,250,000** (our ask was \$3M)
- **NHESP:** **\$1,000,000**, which was our ask – this is the most the program has been funded in 20 years!
- **DCR:** **\$50,500,000**, our ask was \$50M. It does include \$500,000 in earmarks.
- EEA, DPU, DOER Admin: each includes a **\$160,000 earmark** for staff to implement that climate law

There is also language for the first time that would reimburse the Inland Fisheries and Game Fund **annually** from the General Fund for all lost revenue attributed to the issuance of discounted or free hunting and fishing licenses. (They used to reimburse for discounted licenses – for those age 65-69 – but not the free ones – for those age 70+). This will add an additional ~\$1M a year to the MassWildlife budget, and that number will increase as more sportsmen and women over 70 continue to pursue free licenses.

*FY22 Capital Plan Increases!*

In June, the Baker Administration released the state's Capital Spending Plan, which included a number of increases to programs on our priorities list, including: EEA's Conservation Partnership and Landscape Partnership Programs; EEA climate programs, including MVP; DER's restoration, dam, and culvert programs; and Green Communities. There is also a new program – Greening Urban Lots and Planting River Buffers – that will provide grants to plant trees along rivers and streams and green vacant urban lots.

**Call to Action**

*ARPA Outreach*

The Massachusetts Legislature is currently hearing public input on how to spend \$4.9B in American Rescue Plan Act (ARPA). Eight statewide environmental NGOs, including MLTC, developed a [list of priorities](#) for a green recovery – both to create jobs and to make significant progress toward building a more resilient Commonwealth. A letter was sent to leadership, members of the group testified at a recent hearing, and members of the group are meeting with key members of the legislature. **NOW** is the time to contact your local Senator and Representative to express support for these priorities and urge them to support significant ARPA funding for land acquisition and restoration, climate resiliency, and outdoor recreation (you can find your legislator [here](#)).

**State Legislation**

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 not yet scheduled. Advocates will continue to work to pass the CLTC increase as a standalone bill.
- **Unfortunately, yet again, the increase to the annual cap on the CLTC was not included in the final state operating budget, despite tremendous support from legislators (unanimously adopted by the House) and the land trust community. We will be regrouping to determine the best course of action on this priority moving forward. We are also collaborating with the Department of Revenue to conduct due diligence to address concerns of legislators.**

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

- 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 the Resilient Lands Initiative (which has not yet been finalized and published by EEA)
- **PLPA was engrossed (passed) by the House on July 28 and is now in Senate Ways and Means. Supporters recently sent a letter to SWM urging swift passage.**

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 to homes and buildings 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.
- **Rep. Peake and Sen. Pacheco are hosting a virtual briefing for legislators and staff on this legislation on October 1<sup>st</sup>.**
- Referred to the Joint ENRA committee but a hearing has not yet been scheduled.

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 by the Joint ENRA Committee on May 18, 2021, but it has not yet been moved.
- **Advocates are trying to create a new OREC via the American Rescue Plan Act legislation.**

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.
- Referred to the Joint ENRA Committee; hearing not yet scheduled.

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.
- Referred to the Joint Committee on Telecommunications, Utilities and Energy hearing not yet scheduled.
- **This has been added as an MLTC priority since the last policy update.**

## State Administration

### *Mosquito Control Task Force*

A consultant hired by the state has issued a [report](#) on mosquito control. It 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/Massquito website](#) for more information on this effort and the reform bill.

### *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.

EEA's work plan for Natural and Working Lands includes improving the inventory of natural and working lands (NWL) biogenic carbon in Massachusetts to inform the NWL carbon sequestration baseline, goals, and plan to

achieve the goals. EEA is also developing a stakeholder engagement plan to inform the development of the NWL baseline, goals, and plan.

#### *Ground Mounted Solar*

The MA Department of Energy Resources (DOER) and MassGIS recently completed the [Solar Siting Analysis](#) of ground mounted solar that was developed between 2010-2019. DOER has announced it is planning on conducting an assessment of solar, including: assess 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/>

#### *Stateside Land and Water Conservation Fund (LWCF)*

The Appalachian Mountain Club and The Nature Conservancy have been working with the Commonwealth of Massachusetts to increase awareness about this program and to get more projects in historically underserved communities. This past year, two listening sessions were held about the program with municipalities, non-profits and groups working in environmental justice communities. Webinars on the program were also presented at the MA Association of Conservation Commissions conference, MA Association of Planning Directors and with the National Park Service. These listening sessions are becoming a model for states around the country to increase awareness about the program and to direct more of these funds to the communities that need them the most.

## Federal Policy

Congress is currently engaged in two significant efforts that, if successful, would bring significant programs and funding to address climate, resiliency, natural resources management, and more. Negotiations around reconciliation and infrastructure are happening *right now* and the state of play is changing constantly.

#### *Budget Reconciliation*

Democrats in Congress are currently engaged in budget reconciliation, a process by which Congress can advance budget decisions with only 51 votes in the Senate. House and Senate Committees are currently deciding how to spend the money in the agreed upon budget resolution – totaling \$3.5T. This is a tremendous opportunity to advance action on climate change and provide significant funding for natural resource and resiliency priorities. Efforts are underway to include the Charitable Conservation Easement Program Integrity Act, which could provide a \$7B pay-for and was included in the House Ways and Means mark-up of the bill. There is still a long way to go in this effort, and the final package will likely include less money than in the initial budget resolution. Note: this reconciliation process only relates to funding, not policy.

#### *Bipartisan Infrastructure Package*

In July, a group of 22 Senators introduced a bipartisan infrastructure package in the Senate (\$1.2T; [\\$550B in new spending](#)). It swiftly passed the Senate and is now being considered by the House. This bipartisan bill reflects a strong understanding of how our lands and waters are as much a part of America's infrastructure as roads and bridges, and how climate action is an imperative for our communities. Tracking by The Nature Conservancy shows that more than \$200 billion in this bill will go toward conservation, restoration, climate change and energy-related provisions.