



Steering Committee (SC)
ANNUAL MEETING MINUTES DRAFT

(Minutes pp. 1-5; Attachments pp. 6 – 14)

Friday, March 5, 2021 10:00 AM – 12:15 PM
via Zoom

Participants: On record at Massachusetts Land Trust Coalition (MLTC)

Hand-outs:

- Minutes of December 11, 2020 Steering Committee Meeting (Emailed)
- Agenda (Emailed)
- Robb Johnson, Exec. Dir. Staff Report (Attachment A)
- MLTC Policy Update (Attachment B/Posted on MLTC website)

Call to Order: At 10:03 Kathy Orlando, Chair called the meeting to order. Robb Johnson shared a one question poll on the MLCC as a reminder to register.

1. Chair Report -- Kathy Orlando, Steering Committee Chair

- a. Kathy welcomed everyone. Introductions of each participant with name, title and location were done.
- b. William “Buzz” Constable moved and Henry Woolsey seconded to accept the SC Minutes of December 11, 2020 available to members at <http://massland.org/steering-committee>. Hearing no discussion Kathy called the vote. **VOTE:** Unanimous.
- c. Robb pointed out that a revised agenda was sent and summarized that the next meeting: June 11, 2021 via Zoom. The following meetings for 2021 are Fridays Sept 17 and Dec. 10 and location TBD.

2. Presentation of Slate and Election, FY22 MLTC Board of Directors - Kathy Orlando and Robb Johnson (See Attachment A, Slides 1-5, pp 4-6)

- a. Robb presented the slate and Kathy asked for nominations from the floor. As per the MLTC bylaws only member organizations are allowed to vote with one vote from each member organization. The list of members was posted for review and voting procedure clarified.
- b. Kathy summarized the renewing candidates (see slide 3) and summarized the new candidates (slide 4) who have agreed to stand for election. Kathy entertained a motion to vote on the slate as presented. Rob Warren moved and Buzz seconded the motion. Kathy asked for nominations from the floor. Hearing none, Kathy called the vote and Robb submitted a poll via zoom for one vote per member organization. **VOTE:** 25 Yes, 0 No and 5 abstentions.
- c. Kathy thanked the outgoing Board Members Whit Beals, Jocelyn Forbush and Henry Woolsey whose terms end on June 30th. Kathy thanked the Nominating Committee: William Buzz Constable, Rita Grossman, , Mark Robinson, Lisa Vernegaard and Rob Warren.
- d. Robb also thanked the outgoing board members. (See Attachment A, slide 5)

3. Staff Report – Robb Johnson (See Attachment A, slides 6 - 8)

- a. Robb reviewed the 2021 Land Conservation Conference noting that it is a joint MA and RI effort and thanked the conference sponsors. Reduced rate registration has been extended until March 10th. Robb did a poll asking attendees if they’ve registered for the conference yet as a reminder and noted that registrations are below expected of 500 or more by about 130 registrants and asked everyone to spread the word. Some discussion of advertising to abutting states.

- b. The Stronger Together series and the Networking sessions, all virtual, are going well and upcoming ones are listed on slide 8.
- c. Robb asked Buzz to update on the status of land trusts being allowed to do their own invasive species management with pesticide application without hiring a licensed applicator. MLTC will pursue the conversation with MDAR on how to proceed. Those interested should contact Robb to be included in the discussion.

4. LTA updates - Jennifer Miller Herzog

- a. Rally will be virtual on October 5th - 7th. Presentation proposals will be accepted through March 12th with the themes being inclusion, water and climate change.
- b. The LTA census, done every two years is ongoing and Jennifer requested that each organization respond.
- c. Advocacy days will be virtual on April 19th – 21st. Advance registration is required and can be done on the LTA website. Jennifer recognized MA's 1st District Congressman Richard Neil's position as chair of House Ways and Means Committee noting this committee will be key to getting easement abuse legislation passed and was looking for 1st District land trust support on this issue. She noted the value of the Advocacy Ambassador's program and the need for more. See: <https://www.landtrustalliance.org/issues-action/take-action/advocacy-ambassadors>
- d. Jennifer updated the LTA Policy Agenda [<https://www.landtrustalliance.org/2020-policy-agenda>] and specifically noted:
 - i. The celebration of passing the Great Americans Outdoors Act which permanently assures full and secure funding for the Land and Water Conservation Fund
 - ii. The abuse of conservation easements for tax deduction benefits continues to be an issue of LTA focus.
 - iii. To secure funding for: The Farm Bill of 2018 and reauthorization for 2023; Federal Conservation Funding programs including NAWCA; expanding federal programs to allow third party holders.
 - iv. To achieve energy and climate solutions by funding resilient land protection and conservation compatible siting of energy infrastructure.
 - v. The 30x30 initiative with the goal of protecting 30% of U.S. lands and water resource areas by 2030 to address climate change and resilience. About 12% is already conserved and approximately 60% is in natural condition or could be restored.
 - vi. Bob Wilbur urged LTA to prioritize the inclusion of fee interest donations as qualifying to receive the Enhanced Federal Tax Incentives for Conservation. He noted that currently, only CR/conservation easements qualify. He emphasized that it is needed and essential to step up the pace and magnitude of conservation. He also noted that the ongoing CR tax abuse crisis maybe be related to the fact that only CRs qualify for the enhanced federal incentives.
 - vii. Buzz also noted that Congressman Jim McGovern, Chair of the House Rules Com is also key to the work. Both he and Bernie McHugh noted the high level of responsibility of MA elected officials in conservation related positions including Rep. Lori Trahan on the House's Natural Resources Committee.
 - viii. Looking for a big contingency on Advocacy Days. Usually 3 days in duration and can be scheduled based on delegation availability and can be done in advance. Participants can be selective. LTA interns can be helpful in scheduling participation. Both Kathy and Robb noted how easy this was to do as a virtual endeavor. See LTA website to sign up: <https://www.landtrustalliance.org/conference/2021-virtual-advocacy-days>

5. State Agency Updates – Bob O'Connor

- a. The Resilient Lands Initiative (RLI) continues to be a significant project generating interest throughout the Commonwealth including Governor Baker's office. Bob anticipates the official document on the RLI this spring. Like 30x30 this is a challenging goal to make the Commonwealth resilient.

- b. The Healthy Soils Initiative looks at soil use in every venue including lawns and has had extensive participation. Bob thanked Linda Orel and Jennifer Herzog for their work. Need to get from 26% to 30%.
- c. Bob noted that there have been about 300 Article 97 laws passed since 2007 when he first started tracking this statistic. During that time the ratio of mitigation vs. land lost has been about 1.4. There has been about 1.4 acres of newly protected land for each 1 acre lost.
- d. Kurt Gaertner thanked everyone for their work on RLI and indicated that the state budget reflects the work done.
- e. Kurt noted that the EEA is hosting two public webinars on the Interim 2030 Clean Energy and Climate Plan (CECP). Details and registration: <https://www.mass.gov/info-details/massachusetts-clean-energy-and-climate-plan-for-2030> Kurt noted that public comments will be taken (with time limits) during these sessions.
- f. The administration and legislature are working on the final version of the climate bill.
- g. Housing choice did pass at the end of last session meaning that simple majority vote can achieve zoning changes for natural resource protection.
- h. GRANTS: all are on target to be funded and awarded on schedule.
- i. Bob noted that MA is unique in having a unique collaboration between the EEA and LTs for conservation restrictions (CR)s being done with integrity and durability. The updated CR will be discussed at the June MLTC SC.
- j. Bob also noted that he was going to be retiring in May but will stay on part time to work on specific projects noting a 430 acre parcel protection in Belchertown. There were extensive comments in the chat and live recognizing Bob's significant contributions to conservation and his legacy at the EEA.
- k. Melissa Cryan update: Landscape Partnership and Drinking Water workshops are posted for sign up. Land and Water grant deadline was last month and only 11 applications were received. Melissa noted that public park conservation is critical and acknowledged the challenges of yellow book appraisals. Also noted process to accommodate; working on OSRP workbook update and please provide feedback to Melissa. Also looking for improvements in Land and Water grant application process.
- l. Ashley Davies provided this update. The APR Program is seeking approximately seven million dollars over five years from the NRCS Regional Conservation Partnership Program. The proposal is to use the funding in Southeastern MA to pilot expanded eligibility for APRs through "whole farm" protection, as listed as a goal in the RLI. An additional goal of the proposal is to incentive regenerative agricultural practices to further the goals of the state Healthy Soils Action Plan. A final goal of the proposal is to create a statewide farmland action plan that would include the APR Program and other state farmland programs. News of the grant will come through in May 2020. Hope to increase to two rounds of APR applications cycles per year. A meeting between the APR Program and the MLTC Agricultural Sub Committee is being scheduled for April and May.
- m. Questions and answers regarding policy update:
 - i. Buzz asked about the 30% protection goal with 26% of the Commonwealth's land has a percentage that's managed vs. natural. Buzz also thanked Bob profusely for Bob's role, and all the staff at EEA, for being key to our positive collaborative relationship.
 - ii. Heidi asked Kurt about technical aspects on zoning provisions and if the relaxed majority could have a negative effect. Kurt clarified that proposals need to meet the definition in the legislation to meet simple majority. See: <https://www.mass.gov/doc/guidance-on-zoning-act-voting-thresholds-02-26-21/download>
 - iii. Bernie McHugh commented on the positive relationship and role of the State and LT retreats which began in 2001 with a facilitator from another state. Bernie noted how he, Bob and others on the need for guidelines on how to bring about change, how to work together and further collaboration to achieve common goals. Bernie noted the success of this relationship could be attributed to Bob's key role.

6. Policy Update & MLTC Policy Committee Update – Linda Orel (The Trustees) and Kristin Sykes (AMC) with Emily Myron (TNC); and Heidi Ricci (MA Audubon) (SEE ATTACHMENT B)

- a. Kristen Sykes (AMC/MLTC board) began by thanking Bob and commented on the role of solar and prime farmland. There are key threats to farm lands created by solar placement on prime soils especially in Western MA. The goal is to have good renewable energy and solar siting that does not compromise prime soil and lead to a reduction in protected agricultural lands. She noted a specific project in Northfield that is threatening wildlife, prime soils and habitat and has gotten approval across the boards local and state. The current process through SMART is incentivizing solar siting on agriculture land. With this emerging and needed renewable energy technology moves forward, we must assure that we are not setting back our conservation and agricultural goals. Please contact Robb or Kristen if you are interested in working on this MLTC Committee. Kurt volunteered to work on this as well.
- b. Linda Orel (See Policy Update). New office outdoor recreation is an important bill. Noted that in the next few weeks there are bills (MA River's Lobby Day is coming up) that are not in this HO that are emerging and she will know more soon. Some are bills that MLTC may wish to endorse. Linda reviewed all bills as listed in attachment B with Emily and Heidi providing input on selected legislation:
 - i. S.9, *An Act creating a next-generation roadmap for Massachusetts climate policy* (Sen. Barrett). Drafting justice, diversity, equity and inclusion language in bill.
 - ii. SD1837/HD2668, *An Act increasing the conservation land tax credit* (Sens. Tarr and Hinds; Reps. Jones and Pignatelli). Emily is taking lead on this and said it wasn't active in 2020 due to COVID but now moving forward with cautious optimism. Email Emily to be added to her email updates.
 - iii. SD146/HD271, *An Act Combating Climate Change by Preserving Open Space* (Sen. Eldridge; Rep. Balser) There is House support and may pass this year, however the Mass Municipal Association (MMA) has reservations about the bill. A coalition is working on this as the Governor revised to prior level. Please contact Linda Orel with questions.
 - iv. SD1452/HD3103, *An Act establishing a Massachusetts flood risk protection program* (Sen. Pacheco; Rep. Peake). Coastal buyback language was included and it did pass. Now beginning a new campaign to pass this new policy.
 - v. SD1206/HD264, *An Act authorizing the establishment of old growth forest reserves* (Sen. Hinds; Rep. Blais). Heidi noted this legislation could be a good compromise given the movement to totally stop all forestry practice and Heidi is working on this. She also noted there are 200 acres of old growth forests (Wachusett) which would be protected as this legislation would formalize permanent protection for old growth forests.
 - vi. SD2461, *An Act reducing unnecessary destruction of forests* (Sen. Hinds). This legislation is somewhat controversial but working with Sen. Hinds on this bill to find middle ground. Also noted that hopefully all forestry related bills will be heard in one session.
 - vii. SD2445, *An Act to create a forest carbon incentive program to enhance carbon storage on private timber lands* (Sen. Hinds). Looking for additional incentives for landowners. The new bill is in progress on language and there is excitement about it passing.
 - viii. HD.3972, *An Act relative to the classification and taxation of urban public access land* (Rep. LeBoeuf). Collin Novik summarized the work on this bill its important role for both urban and suburban areas.
 - ix. SD1197, *An Act to reform payments in lieu of taxes for state-owned land* (Sen. Hinds; Rep. Blais). Would provide more funding for the PILOT (Payment in Lieu of Taxes) program to assure equitable role for smaller communities. An important bill. The state auditor has commented on it.
 - x. SD1202/HD2383, *An Act providing for the public health by establishing an ecologically based mosquito management program in the Commonwealth* (Sen. Hinds; Rep. Gouveia). Creates a new system based on eco management. Heidi noted impact on LTs with a goal to focus on removing dams, low impact development and improving the opt-out options and process through MDAR by making the process less cumbersome.

- xi. SD1661/HD3574, *An Act responding to the threat of invasive species* (Sen. Jehlen; Rep. Rogers). Emily noted this bill is a re-file and that Mass Rivers is taking the lead on this for both aquatic and terrestrial management.
- c. Linda noted Emily's role in the effort to increase conservation funding in the capital budget.
- d. More benchmarks and guidelines are being drafted for the Clean Energy and Climate Plan.
- e. She noted Rep. Trahan appointment to the House Committee on Natural Resources which was timely given there had been no Massachusetts representation after Rep. Tsongas's retirement.
- f. On Federal legislation:
 - i. LTA is actively engaged to get the Charitable Conservation Easement Program Integrity Act passed to end easement (CR) abuse.
 - ii. Recovering America's Wildlife Act (RAWA) known in some states as the Species of Greatest Conservation Need (SGCN) is the next big step in conservation funding and it will be re-filed this session.
- g. Kristen thanked everyone for the Land and Water Fund being funded permanently and thanked Melissa Cryan for her work on this grant and noted the advocacy group is trying to identify barriers to municipalities getting access to these funds and how to effectively update the LTs to assist. Also working on disparity between communities to increase access. The goal is to increase access to open space and effectively take advantage of and use these funds in Massachusetts.

7. Subcommittee and Working Group Updates

- a. *CR Working Group – Rob Warren, John Gioa*: Rob noted that the subcommittee's work on re-working the CR model with community-wide input and anticipate the new CR model should be done late spring after EEA legal council reviews are considered. Hope to be available by next SC meeting in June. John noted that the group has accomplished a lot in terms of CR program process as a consequence of CR model dialogue. Rob thanked John for his work on the CR process improvement. John thanked EEA legal staff for their review and input.
- b. *Young Land Professionals (YLP) – Stephen O'Grady*. Steve noted the recent personnel turn-over and they are looking for new members. Also reviewing goals and objectives of the group including welcoming new younger staff. The new mentee/mentorship program up and running.
- c. *Nature's Services Working Group – Christa Collins*. Christa noted there is nothing new to report.
- d. *Amicus Committee – Buzz Constable*. Buzz noted nothing new to report.
- e. *Agriculture Committee – Kathy Orlando*. Kathy noted there is nothing new to report.

12:05 PM Hearing no membership updates, Kathy Orlando called for a motion to adjourn. Rita moved and Christa seconded to adjourn. Hearing no further discussion Kathy called the vote. **VOTE:** Unanimous.

Respectfully submitted,
Rita Gibes Grossman, clerk

ATTACHMENT A STAFF REPORT



1

Board of Trustees Elections

We'll use a Zoom Poll for a vote on the proposed slate, with the options "Yes" "No" and "Abstain".

Per MLTC bylaws, only land trusts & land conservation organizations that are current MLTC members at the \$250 level or above are eligible to vote.

If there are multiple representatives of your organization here today, please message each other to agree which of you will vote.

2

MLTC Members Eligible to Vote

Acton Conservation Trust	Grafton Land Trust	Opacum Land Trust
American Farmland Trust	Greater Worcester Land Trust	Pascommuck Conservation Trust
Andover Village Improvement Society	Groton Conservation Trust	Princeton Land Trust
Arlington Land Trust	Groundwork Lawrence	Richmond Land Trust
Attleboro Land Trust	Harvard Conservation Trust	Seekonk Land Conservation Trust
Berkshire Natural Resources Council	Hilltown Land Trust	Sheffield Land Trust
Boxborough Conservation Trust	Hingham Land Conservation Trust	Sherborn Rural Land Foundation
Boxford Trails Assoc/Boxford Open Land Trust	Kestrel Land Trust	Sheriffs Meadow Foundation
Brewster Conservation Trust	Land Preservation Society of Norton Inc	Sudbury Valley Trustees
Buzzards Bay Coalition	Lincoln Land Conservation Trust	The 300 Committee
Carlisle Conservation Foundation	Littleton Conservation Trust	The Compact of Cape Cod Conservation Trusts
Chatham Conservation Foundation	Marblehead Conservancy	The Nature Conservancy
Chelmsford Land Conservation Trust	Mass Audubon	The Trust for Public Land
Cohasset Conservation Trust	Minnechaug Land Trust	The Trustees of Reservations
Common Ground Land Trust	Mount Grace Land Conservation Trust	Upper Charles Conservation Land Trust
Concord Land Conservation Trust	Nantucket Conservation Foundation	Walden Woods Project
Dover Land Conservation Trust	Nantucket Land Bank	Wareham Land Trust
Dudley Conservation Land Trust	Nantucket Land Council	Wellfleet Conservation Trust
Dunstable Rural Land Trust	Natural Resources Trust of Mansfield	Westford Conservation Trust
East Quabbin Land Trust	New England Forestry Foundation	Westport Land Conservation Trust
Essex County Greenbelt	Newton Conservators	White Oak Land Conservation Society
Franklin Land Trust	North County Land Trust	Wildlands Trust

Candidates for Re-Election for 3-year terms beginning July 1, 2021

Karen Grey has been the President and Executive Director of the Wildlands Trust since November 2007. From 1991 to 2007, Karen served in a variety of leadership positions at the Manomet Center for Conservation Sciences, including Director of Marketing and Development and Assistant Director. Karen brings a broad base of management, marketing and conservation knowledge and skills to her position. She is a graduate of the University of Vermont.

Rich Hubbard was the Executive Director of Franklin Land Trust from 2004 - 2019. Recognized nationally as an authority on conserving farmland and open space, he has negotiated the conservation of over 400 properties totaling close to 38,000 acres. Prior to joining FLT, he served in a number of capacities with the MA Department of Agricultural Resources, including Assistant Commissioner, Chief of the Bureau of Land Use, and for 15 years as Program Manager of the Agricultural Preservation Restriction (APR) Program. Previous positions included Assistant Director of the Northeast Office of the American Farmland Trust.

Kathleen O'Donnell has over thirty years experience in real estate law including conveyancing, title opinions, tax title foreclosures and auctions, affordable housing, open space acquisitions, municipal harbor plans and smart growth zoning. She has participated in the Mass Land Trust Coalition's Attorneys Advisory Panel, and is on the board of the Cohasset Land Foundation. Kathleen is licensed to practice in Massachusetts and is certified as a Woman Business Enterprise (WBE) by the Massachusetts Supplier Diversity Office

Candidates for the MLTC Board of Trustees for 3-year terms beginning July 1, 2021



Jack Clarke was Director of Public Policy & Government Relations for Mass Audubon for 26 years. In prior positions, he worked at Cape Cod National Seashore, managed Barnstable County's first Historic Preservation Program and served as Assistant Director of the Massachusetts Coastal Zone Management Office. He helped draft and pass the Massachusetts' Rivers Protection Act, Community Preservation Act, the nation's first comprehensive ocean management and state climate change adaptation laws, and six environmental bonds. He lives in Gloucester.



Christa Collins is Director of Land Protection at Sudbury Valley Trustees, where she has worked since 2002. She manages a portion of SVT's land protection projects and leads the land protection team. She holds a bachelor's degree from Middlebury College and a Masters in Landscape Architecture from the University of Michigan. She serves on the Board of Gaining Ground, a non-profit that grows and donates food for hunger relief. She lives in Concord.



Vidya Tikku is the Trustees of Reservations' Director for Greater Boston, where she oversees a network of community gardens in Boston and several reservations in the metro area. She previously worked to protect urban wilds, greenways and community gardens as Vice President of Boston Natural Areas Network, and worked on grassroots urban design and urban food access initiatives in San Francisco and New Delhi. She holds a Masters in Architecture & Urban Design from Washington University in St. Louis and a Certificate in Environmental Policy and International Development from Harvard Extension School. She lives in Lexington.

Thank you to our Board Members

with terms ending June 30th, 2021

Whit Beals 2011 – 2021

Jocelyn Forbush 2016 – 2021

Henry Woolsey 2013 - 2021

We're grateful for your service to the land conservation community!

2021 Massachusetts & Rhode Island Land Conservation Conference, March 19-20

Building a Stronger Land Movement through Diversity, Equity and Inclusion

- 2 states
- 2 days
- 1 keynote
- 1 plenary panel
- 28 workshops
- 10 networking sessions
- 90 speakers & moderators
- 41 sponsors
- Workshop and Plenary recordings available for 3 months!
- Early registration extended to Wednesday March 10th!



We couldn't do it without our Sponsors!

Lead



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of Rhode Island



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Supporter

American Farmland Trust - Beals & Thomas, Inc. - Berkshire Natural Resources Council - The Conservation Fund
Epsilon Associates, Inc. - Essex County Greenbelt Association - Green Energy Consumer's Alliance - Land Stewardship, Inc.
Nantucket Conservation Foundation - New England Forestry Foundation - Rhode Island Infrastructure Bank - Sasaki
Sheriff's Meadow Foundation - Sudbury Valley Trustees - University of Massachusetts Forest Conservation Program
University of Rhode Island Coastal Institute - Vineyard Wind - Wildlands Trust

Partner

The Community Preservation Coalition at the Trust for Public Land - The Compact of Cape Cod Conservation Trusts - Durand & Anastas Environmental Strategies
Franklin Land Trust - Horsley Witten Group - Kestrel Land Trust - Landscape Land Conservation Software - Marcum LLP
Narragansett Bay research Reserve - Rhode Island Sea Grant - Save The Bay - The Trust for Public Land - Woonsocket River Watershed Council

Other Program Updates

• Upcoming Workshops and Networking Events

- Wednesday March 24, 6 – 7 pm:
Expanding Eligibility for Farmland Protection Funds through Farmland of Local Importance
(Workshop with Speaker Al Averill)
- Thursday April 8, 4 – 5 pm:
Building a Diverse, Equitable and Inclusive Pipeline for Jobs in Conservation
(Stronger Together Networking discussion with Julie Early and Robb Johnson)
- Thursday April 15, 6 – 7 pm:
All Volunteer Land Trusts: When Is It Time to Hire Staff or Contractors?
(Stronger Together Networking discussion with Robb Johnson)

• Coming Soon:

- Stronger Together Trainings on **Land Trust Collaboration & Diversity, Equity and Inclusion**

ATTACHMENT B

Public Policy Update MLTC Steering Committee Meeting Friday, March 5, 2021 Presented by Linda Orel, Policy Director, The Trustees

New Legislative Session

In January, 19 new legislators (2 senators and 17 representatives) joined our friends on Beacon Hill for the new legislative session. The House and Senate released leadership and committee assignments, including some key changes. There is a new House Speaker, Representative Ronald Mariano (D-Quincy); and Senator Rebecca Rausch and Representative Carolyn Dykema will chair the Joint Committee on Environment, Natural Resources and Agriculture. If a new legislator will be representing your service area, now is the time to reach out to introduce yourself. See Find My Legislator. It's also a good time to connect with your representative and senator as well as committee members about your legislative priorities. To view all assignments see Committees.

I. State Legislation

The bill filing deadline for the two-year legislative session (2021-2022) was Friday, February 15. All bills have docket numbers ("SD" and "HD"). Over the next few weeks, the clerks in the House and Senate will give each bill its own number, which will be different than the docket number. Soon, bills will also be assigned to a committee for review. Below please find a list of multiple bills related to land policy:

These MLTC legislative priorities have been carried over from last session:

S.9, An Act creating a next-generation roadmap for Massachusetts climate policy (Sen. Barrett)

After the Governor vetoed this bill at the end of the last session, the legislature quickly refiled and enacted the it and sent it back to the Governor's desk. On February 7, the Governor signaled general support for the bill but sent a few amendments back to the legislature for consideration. The legislature can accept or reject each amendment and/or further amend each; with each of those paths triggering slightly different processes for moving forward. We expect the bill to be enacted by the legislature and back on the Governor's desk by mid-March. The Governor then has two weeks to sign.

SD1837/HD2668, 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, an existing 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.

SD146/HD271, An Act Combating Climate Change by Preserving Open Space (Sen. Eldridge; Rep. Balser)

Previously known as the Public Lands Protection Act (PLPA), this bill would prevent loss of constitutionally protected open space (Article 97 lands) by requiring replacement land, as well as notification to the Executive Office of Energy and Environmental Affairs (EEA) prior to filing legislation to dispose of land. The legislation codifies EEA's current "no net loss" policy.

FY22 Green Budget Priorities

In January, the Governor released his proposed FY22 state operating budget (H1), which eliminated the four Green Budget increases that the legislature included in the FY21 operating budget. The Green Budget Coalition will maintain the same four priorities from last session and will lobby for the following increases:

- MassDEP Administration: \$40M (from \$39.78M in FY21; H1 is \$33.12M)
- Natural Heritage and Endangered Species Program: \$1M (from \$500k in FY21; H1 is \$154,222)
- DCR State Parks: \$50M (from \$51.5M in FY21 with earmarks; H1 is \$47.38M)
- Division of Ecological Restoration: \$3M (from \$2.6M in FY21; H1 is \$2M)

Below are multiple bills for MLTC's consideration. The MLTC Policy Committee will evaluate these bills, identify MLTC priorities, and monitor other bills.

SD1452/HD3103, 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 and 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.

SD1206/HD264, An Act authorizing the establishment of old growth forest reserves (Sen. Hinds; Rep. Blais)

This bill requires the state to establish an inventory, management plan, and a protected system of old growth forest reserves, including 'buffer areas' adjacent to old growth. The bill prohibits new development, recreational facilities, and commercial timber cutting in old growth forests.

SD2461, An Act reducing unnecessary destruction of forests (Sen. Hinds)

This bill would amend the forest cutting practices statute to require the minimal cutting of trees on state-owned lands, except as necessary to maintain forest health and safety. It would also stipulate that a solar installation on lands that requires destruction of a forest not be considered eligible for benefits under the Renewable Energy Portfolio Standard.

SD2445, An Act to create a forest carbon incentive program to enhance carbon storage on private timber lands (Sen. Hinds)

This bill would create a new forest resilience program under Chapter 61 that would provide grants to landowners who enroll for 20 years to carry out carbon-friendly practices. It would also provide grants to towns to help offset lost tax revenue. This kind of program was a recommendation of the Resilient Lands Initiative.

SD2460, An Act furthering our commitment to non-carbon emitting energy sources (Sen. Hinds)

This bill strikes all references to biomass as a renewable energy source everywhere it appears in the general laws, thereby making it no longer considered renewable.

SD2441, An Act promoting and protecting Massachusetts forests (Sen. Hinds)

This omnibus bill combines Sen. Hinds' forest-related bills listed above, as well as SD.1209, *An Act to protect public and private woodlands and woodlots in the Commonwealth*.

HD.3972, 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 was a recommendation of the Resilient Lands Initiative.

SD1197, 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.

SD1202/HD2383, 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.

SD1661/HD3574, An Act responding to the threat of invasive species (Sen. Jehlen; Rep. Rogers)

This bill would create a framework for the control and mitigation of invasive species in the commonwealth and would establish a trust fund, council, and office in MDAR. It also calls for development and implementation of a statewide strategic management plan for invasive species.

No net loss of farms and forests

We expect a comprehensive "no net loss of farms and forests bill" to be filed sometime this year. Meetings are currently taking place with legislators. This is also informed by Resilient Lands Initiative recommendations.

Pesticides

There are a few bills that would impact pesticide use and management. We are waiting to determine which bills are priorities for conservation partners. In the meantime, the state drafted regulations limiting the use of neonics (see below summary).

II. State Administration

Neonicotinoid Pesticide Regulations

On March 1, 2021, the Massachusetts Pesticide Board Subcommittee passed a motion to protect pollinators by restricting the use of neonicotinoid pesticides (neonics). The new regulations, which go into effect in 2022, will remove pesticide products containing neonics from retail stores and require that only licensed pesticide applicators use such products for lawn care or on turf, trees, shrubs, and gardens.

Mosquito Control Task Force

The [Mosquito Control Task Force](#) started meeting via EEA. This week, the Task Force hired the Eastern Research Group, Inc. to assist with its comprehensive review of the state's antiquated mosquito control system. The task force is reviewing a draft document from the MDAR Commissioner for municipalities to opt-out of DPH-initiated spraying in response to elevated risk of EEE, as well as the existing landowner opt-out process. (Land trusts should be aware of the [opt-out process](#) and enter information for 2021 ASAP.) Partners filed legislation to overhaul and re-focus the system on ecologically based approaches including restoration of streams and wetlands to support fish and other mosquito predators. (See bill summary above.)

Capital Budget

The Commonwealth Conservation Council (of which MLTC is a member), sent a comprehensive comment letter to EEA requesting an increase in capital investments to several critical land acquisition and park programs, including state agency capital budgets and competitive grants to municipalities. The Commonwealth's FY22 Capital Investment Plan is expected to be finalized and released in May 2021.

Renewable Portfolio Standard regulations drafted

In December 2020, the Department of Energy Resources (DOER) filed amended draft regulations with the Joint Committee on Telecommunications, Utilities and Energy (TUE) to update the Renewable Energy Portfolio Standard (RPS). DOER still needs to refile the draft regulations with TUE this session. NGO partners and the Attorney General submitted letters to TUE expressing strong opposition to DOER's proposed changes to the eligibility requirements for utility-scale biomass eligibility requirements. DOER also proposed retaining the eligibility requirement for hydropower of re-certification by the Low Impact Hydropower Institute instead of its proposal to substitute in FERC licensing.

Clean Energy and Climate Plan

In January, EEA released their draft *Clean Energy and Climate Plan for 2030* (CECP). Chapter 6 of the CECP addresses the conservation, restoration, and improved management of natural and working lands. Public comments will be accepted until 5pm on March 22, 2021. To review the plan and instructions on how to submit comments, please visit: [CECP 2030](#). You can also review the Implementation Advisory Committee (IAC) recommendations [here](#). The IAC Land Use and Nature Based Solutions Working Group's recommendations include: 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. See the Working Group's comments [here](#).

SMART Solar Regulations and Dual-Use Agriculture

Kristen Sykes, Chair of MLTC's Policy Committee, will provide an update on dual use ag in Massachusetts.

III. Federal Policy

Update on Congresswoman Lori Trahan

Rep. Trahan was appointed to the House Committee on Natural Resources, an important committee with direct oversight of federal agencies and programs governing conservation and outdoor recreation.

Infrastructure/Climate Stimulus package

Once Congress passes its coronavirus relief package, lawmakers will turn their attention to a new stimulus package. This effort is expected to be centered on a Biden Administration's "Build Back Better" proposal. Consistent with Biden's campaign promises, including his \$2 trillion climate plan, the plan is expected to include significant infrastructure and climate investments with a focus on job creation. There will be an important role for the conservation community in advocating for natural resource investments when stimulus discussions start to move forward.

Charitable Conservation Easement Program Integrity Act

The Charitable Conservation Easement Program Integrity Act would curb abuse of charitable tax laws through syndicated conservation easement transactions. It has not yet been reintroduced in the 117th Congress. When the bill is introduced, land trusts around the country will be asked to urge their congressional delegation to co-sponsor.

Recovering America's Wildlife Act

The Recovering America's Wildlife Act would fund local and state efforts to prevent wildlife from becoming endangered, and to help recover species that are already endangered. Funds would be used by state agencies to implement their congressionally mandated State Wildlife Action Plans in partnership with state-based conservation entities. It would be the most significant investment in wildlife conservation in many decades. This

bill will soon be reintroduced in the House and is expected to resemble HR3742 from the 116th Congress, which had strong bi-partisan support from 185 cosponsors.

30x30 conservation target

On January 27, 2021, President Biden signed an Executive Order that initiates a process to achieve the goal of conserving 30 percent of the country's lands and waters by 2030 (30x30). This aligns the U.S. with a global 30x30 effort. The Executive Order sets a 90 day period for federal agencies, including the Department of Interior, US Department of Agriculture, National Oceanic Atmospheric Association and Council on Environmental Quality to recommend steps that the US should take, working with state, local, tribal, and territorial governments, agricultural and forest landowners, fishermen and other key stakeholders, to achieve the goal. The report will also propose guidelines for determining whether lands and waters qualify for conservation and mechanisms for measuring progress.

Land and Water Conservation Fund

Kristen Sykes, Chair of MLTC's Policy Committee, will provide an update on LWCF spending and implementation.