



MASSACHUSETTS  
LAND TRUST  
COALITION

## State Public Policy Update

December 13, 2024

### Massachusetts Legislative and Healey-Driscoll Administration Updates

#### Climate Bill and Energy Facilities Siting

On November 14, the state legislature passed the final omnibus climate and energy bill ([S.2967, An Act promoting a clean energy grid, advancing equity and protecting ratepayers](#)), and the Governor signed it into law on November 21. The new law prioritizes clean energy and works to decarbonize our most polluting sectors, including provisions to:

- Accelerate the move away from natural gas toward electric heating and transportation alternatives.
- Expedite the transition to clean energy infrastructure through consolidated state permitting for all state, regional, and local projects.
- Redesign the Energy Facilities Siting Board (EFSB) to better align with greenhouse gas mandates and prioritize environmental and health impacts, including by adding representation from environmental justice, health, Indigenous, and municipal sectors to the Board.
- Scale up clean energy storage and update energy storage requirements.
- Prioritize community engagement and community benefits in siting decisions.
- Increase access to reliable electric vehicle charging.
- Incentivize fair labor and apprenticeship programs in new clean energy and storage projects.
- Codify the establishment of the Office of Environmental Justice and Equity, within the Executive Office of Energy and Environmental Affairs.

The law also includes two natural resource provisions of note. First, Section 126 removes procedural barriers to salt marsh restoration on properties with old Wetlands Restriction Orders. Additionally, Section 125 requires EEA to evaluate its flood maps, make them public online, and make recommendations by August on what mapping we need next, as well as what legislation and funding needed to make that happen.

In coming months, we expect opportunities to engage with the implementation of the new law. The Massachusetts Department of Public Utilities has posted an important new position that will support the revamped Energy Facility Siting Board and have lead responsibility for establishing site suitability criteria and the mitigation framework for environmental impacts. They're looking for someone with strong background in natural sciences. See the posting [here](#).

#### Open Space Act ("PLPA") Implementation

EEA has posted draft regulations to govern implementation of *An Act conserving open space in the Commonwealth* (commonly referred to as the Public Lands Preservation Act, or 'PLPA'). Comments are due by 5:00 pm Wednesday, January 22, 2025. Comments will also be accepted at a hybrid in-person and virtual public hearing at 1:00 pm Tuesday, December 17. Click [here](#) to access the draft regulations, to register for the public hearing, and to find additional information about the Open Space Act. To help those considering submitting comments, MLTC is hosting a discussion about the draft regs on Monday, December 16 at 2:00 pm. Register for that [here](#).

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, Frequently Asked Questions, and a Portal for submission of materials related to proposed conversions of protected open space and a Tracker that provides much-needed transparency regarding the status of pending Article 97 actions. So far, the Tracker includes only information on 11 of the 22 bills that passed in the 2023-2024 session, so it does not yet provide comprehensive transparency.

### **Economic Development Bill**

On November 20, Governor Healey signed [H.4804, An Act relative to strengthening Massachusetts' economic leadership](#). Among many other economic development provisions, it includes transformative investments in climate tech, through a ten-year initiative to catalyze the development of technology to address the climate crisis. With federal climate action looking less likely in the next few years, Massachusetts' leadership on climate will take on increased importance. Our colleagues at MACC advise all Conservation Commissions to be aware that the bill also includes provisions on Line 4509, allowing new 2-year extensions on permit issued from January 1, 2023 to January 1, 2025. DEP is reportedly in the process of developing clarifying guidance, but in the meantime additional information is provided in this [summary](#) by Nathaniel Stevens, Esq. from McGregor Legere & Stevens PC.

### **Mixed Election Results for CPA**

On November 5th, Sheffield, Swampscott, Townsend, and Winchester all approved ballot measures to adopt the Community Preservation Act (CPA), bringing the total number of CPA municipalities in Massachusetts to 200. However, CPA adoption was not approved in Clarksburg, Colrain, Douglas, Halifax, Rutland, Sherborn, and Spencer. On November 13th, the Massachusetts Department of Revenue (DOR) announced the latest distribution from the Community Preservation Trust Fund. [Learn more here](#).

### **2025-2026 State Legislative Priorities**

With a new two-year legislative session starting in January, MLTC's Policy Committee is working to set 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 lands of significant conservation value.

### **Environmental Bond**

The Commonwealth issues bonds to fund capital spending on land acquisition, restoration, and other environmental programs that are critical to our work. These expenditures are authorized through bond bills passed by the legislature every four to five years. Bond bills also provide the legislature an opportunity to pass relevant policy priorities. The Governor is expected to introduce the next Environmental Bond Bill in spring 2025. MLTC will work closely with our conservation partners to advocate for investments and policy provisions that align with our priorities.

### **FY2026 State Operating Budget**

The Green Budget Coalition is in the process of defining priorities for the FY26 budget, which will be shared in the new year.

### **Conservation Finance Coalition**

MLTC has engaged with the Conservation Finance Coalition over the past year as it has studied possible pathways to create a dedicated state funding source for land conservation, restoration, stewardship, and recreation. Based on an analysis of potential funding mechanisms by the Trust for Public Land, the Coalition is focusing on a proposal to dedicate a portion of the sales tax on sporting goods for these purposes. The

Coalition is currently drafting a bill and pursuing legislative sponsors for the next session. This initiative was discussed at the October 2024 Land Trust/State Agency Retreat; please reach out to Robb if you would like to learn more.

### **Share Your Story on Heirs Property**

MLTC is part of a coalition working to pass [An Act relative to uniform partition of heirs property](#). To prepare for the bill's reintroduction in January, the coalition would like to hear from people who have been impacted by 'heirs property', which is real estate owned by the legal heirs of a previous owner when there is no will. If you know such parties, please share [this flier](#) and [survey](#) with them. The bill would institute new 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.

# Land Trust Alliance Federal Policy Updates

December 2024

## **Election 2024**

Former President Donald Trump will return to the White House in January and the 119<sup>th</sup> Congress will convene with the Republicans controlling both the House and the Senate. House Republicans reelected Rep. Mike Johnson (R-LA) to serve as Speaker and Rep. Hakeem Jeffries was reelected by Democrats to serve as Minority Leader. Over in the Senate, Sen. John Thune (R-SD) was elected Majority Leader while Senate Democrats elected Sen. Chuck Schumer (D-NY) as Minority Leader.

In addition, over the last several weeks, President-elect Trump has been announcing his nominations for cabinet positions. Most relevant to our community are the nominations of Brooke Rollins to the Department of Agriculture, former Rep. Lee Zeldin (R-N.Y.) to lead the Environmental Protection Agency, North Dakota Gov. Doug Burgum to the Department of the Interior, Chris Wright to the Department of Energy, Howard Lutnick to the Department of Commerce and Russell Vought to Office of Management and Budget. All these positions require a Senate confirmation.

At the state level, there was good news for conservation with voters approving 22 state and local ballot measures that will generate more than \$18 billion in funding for conservation. Voters rejected a measure in Washington State to overturn the Climate Commitment Act, and earlier this year voters in Wisconsin rejected a measure that required the Governor to secure approval from the legislature before spending federal conservation dollars.

As the new Congress and the second Trump administration get settled next year, the initial focus will be on passing one or two reconciliation packages. Through this mechanism, Republicans will attempt to repeal climate provisions in the Infrastructure Investment and Jobs Act and the Inflation Reduction Act. In addition, it is likely they will repeal climate and electric vehicle tax incentives and pull back on equity programs.

Despite sweeping change next year, it's important to remember that the work of private land conservation is nonpartisan and continues regardless of who sits in the Oval Office or wields the majority in Congress. We at the Land Trust Alliance will continue advocating for the land trust community and private land conservation but we can't do it alone.

*Call to Action:* Massachusetts land trusts can help the Alliance ensure that our community's issues are at the forefront of the 119<sup>th</sup> Congress' agenda. We ask all Massachusetts land trusts to please reach out to arrange either an in-person or virtual meeting with their elected officials' offices. The Alliance can provide suggested talking points, factsheets and other materials to assist you in advocating for our priorities. We also can provide land trusts with a current listing of staff for new and returning members of Congress. Our community must get in the door early in the process to set us up for success next year. We thank you and your land trust for any and all assistance you can provide in helping us advocate for our key policy priorities.

## **118<sup>th</sup> Congress Lame Duck Session Priorities**

### **Funding The Federal Government**

With the election behind us, Congress must now turn its attention to funding the federal government for the remainder of FY2025. The continuing resolution (CR) that Congress passed at the end of September funded the federal government through December 20, 2024.

Congress must now either pass a final spending bill via an omnibus package, which must be done before funding expires on December 20, or enact another CR that would extend the appropriations process into the new year – essentially passing the job to a new Congress and new administration.

### Extending the Farm Bill

The current Farm Bill expired September 30, 2023, and the one-year extension passed last year expired on September 30, 2024. Unfortunately, Congress was not able to reach agreement on the new Farm Bill and the focus has shifted to a one-year extension. Congress is presently debating another extension “plus” package that could include disaster aid for producers impacted by natural disasters as well as economic assistance to farmers. In addition, there is bipartisan support for incorporating the remaining Farm Bill conservation title Inflation Reduction Act (IRA) funding into the bill. Totalling approximately \$13 billion, this money would help protect funding while also increasing baseline funding going forward. Agriculture Committee leadership continue to negotiate on the extension which will likely be tagged onto the funding package.

*Call to Action:* Massachusetts land trusts can help the Alliance secure the remaining Inflation Reduction Act funding in the extension “plus” package by immediately reaching out to any Democratic member of Congress and advocating that they urge leadership to integrate the remaining conservation IRA funding in any extension package. The Alliance has compiled talking points to assist with this outreach and are separately attached to this brief. If you have questions, please contact us at [policy@lta.org](mailto:policy@lta.org).

### Other Issues

Negotiations continue on other end of year items including S. 4753, the Energy Permitting Reform Act of 2024, introduced by Sens. Joe Manchin (I-W.V.) and John Barrasso (R-Wyo.) and passed out of the Senate Committee on Energy and Natural Resources on a 15-4 bipartisan vote in July. The legislation is part of a multi-year effort to reform the permitting processes for fossil fuel, renewable energy and transmission infrastructure. While Republicans plan to make energy development a priority for the first 100 days of the new Congress, there is a slim chance this could get across the finish line.

In addition, Congress is working on a large public lands package which could include the Reinvesting In Shoreline Economies and Ecosystems (RISEE) Act to share revenue from offshore wind projects with states.

Finally, on October 9, the [North American Grasslands Conservation Act](#) was introduced in the U.S. House of Representatives. The Act would kickstart the voluntary protection and restoration of grasslands and sagebrush shrub-steppe ecosystems. Functionally, the legislation is modeled after the successful North American Wetlands Conservation Act and would create a landowner-driven, voluntary, incentive-based program to conserve America’s critically imperiled grasslands. The Alliance has joined a diverse coalition of more than 45 organizations supporting the introduction. While we don’t expect the legislation to pass during lame duck we do expect it will be reintroduced early in the 119<sup>th</sup> Congress.

### Administration

#### Treasury Publishes Final Listed Transaction Regulations

On Oct. 8, the U.S. Treasury published final, immediately effective, [listed transactions regulations](#) that have important implications for land trusts working on donations by pass-through entities. These regulations require “material advisors” to report these types of transactions to the IRS and failing to do so can trigger a \$200,000 penalty. In certain circumstances, land trusts may be considered and treated as

material advisors. Note that these regulatory requirements differ from those of the [Charitable Conservation Easement Program Integrity Act](#).

In addition, on November 21, the Alliance's Conservation Defense team hosted a [free webinar](#) for Alliance members and their attorneys. The webinar laid out different requirements and strategies for managing this complex situation. We urge all members to watch the re-recording.

#### *USDA Invests \$1.5 Billion through RCPP*

On October 23, the U.S. Department of Agriculture announced \$1.5 billion would be awarded to 92 partner-driven projects through the Regional Conservation Partnership Program. Of the 92 projects awarded, 22 were awarded to Land Trust Alliance members and affiliates. Those projects totaled \$415 million in funding or approximately more than 27% of the total dollars funded. A list of all awarded projects can be found by [clicking here](#).

#### **Current Federal Funding Opportunities**

As a reminder, the Alliance has launched a site dedicated to providing a listing of all current federal funding opportunities. To access the website, [click here](#).

Farm Bill extension talking points:

For Democrats:

- Thank you for making investments in climate change a priority for our nation through the Inflation Reduction Act.
- We are especially grateful for the historic investment of nearly \$20 billion in the Farm Bill conservation programs.
  - These funds have helped conserve working lands across our country.
- As Congress shifts its focus from passing the new Farm Bill this year to an extension package, we are gravely concerned that if the remaining IRA funds are not integrated into the farm bill in the extension package, they will be rescinded in the next Congress.
- We urge you to secure this historic investment in climate and conservation.

If asked about whether to retain the climate sideboards (only if asked):

- We think conserving this historic investment in climate and conservation is critical and are concerned that a push for the climate sideboards will kill any opportunity for getting the funds into the extension package.
- The best way to save this historic investment and ensure it continues to grow is to incorporate it into the extension package.