



MASSACHUSETTS  
LAND TRUST  
COALITION

## Public Policy Update

September 20, 2024

### Healey-Driscoll Administration Updates

#### Open Space Act Implementation (formerly known as PLPA)

In the first legislative session since Chapter 274 of the Acts of 2022, *An Act conserving open space in the Commonwealth* (commonly referred to as the Public Lands Preservation Act, or 'PLPA', and now known as the 'Open Space Act'), took effect, the Executive Office of Energy and Environmental Affairs (EEA) reports that 22 bills approving conversion of protected open space were signed into law. This is about half the average number of approved conversions that have been passed in other two-year sessions over the past 20 years. 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. This summer, EEA added a "Tracker," which provides much-needed transparency regarding the status of pending Article 97 actions. Thus 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. In addition, EEA has yet to promulgate regulations to implement the law, even though the August 2024 legislated deadline to do so has passed. MLTC and our partners look forward to the opportunity to comment on the draft regulations once they are released.

#### Climate Bill and Energy Facilities Siting

The legislature failed to pass the highly anticipated climate bill addressing [recommendations from Governor Healey's Commission on Energy Infrastructure Siting and Permitting](#) before the conclusion of the 2023-2024 formal legislative session. Final House and Senate versions of the climate bill both included provisions to streamline the process for siting and permitting clean energy projects to help the state to meet its emissions reduction goals; however significant differences in other provisions were not reconciled before the session ended. **However, on September 11, Governor Healey filed a supplemental \$714 million spending bill for FY2024, which includes components of the climate bill that had consensus between chambers, including siting and permitting reform. The other pieces of the climate bill remain in Conference Committee and have the potential to move forward if the conferees can agree on a proposal.**

#### DFG Five-Year Strategic Plan

On August 16th, the Massachusetts Department of Fish & Game (DFG) released a strategic plan to guide the agency's work from 2025-2030. The plan establishes a unifying vision for the Department, focusing on solutions at the intersection of biodiversity, climate change, and environmental justice while advancing the priorities of the Healey-Driscoll Administration and EEA. Priorities include doubling the pace of land protection to an average of 6,000 acres per year; protecting, restoring and/or reconnecting 3,000 acres of floodplain habitat; designating 10-15% of DFG upland forests as forest reserves; and providing new public recreation opportunities near underserved and environmental justice communities. To explore the plan and timeline for implementation, see [mass.gov/DFG-strategicplan](https://mass.gov/DFG-strategicplan).

## Biodiversity Goals

Since Governor Healey signed the Biodiversity Executive Order last September, DFG has been busy developing a vision for nature in 2050 and a roadmap for how to get there. This summer, DFG hosted several listening sessions and had a public comment period (you can see their presentation here). There are likely to be additional opportunities to engage in the effort this fall, and goals are expected at the end of this year or the beginning of 2025.

## 2025-2026 State Legislative Priorities

As we look forward to a new two-year legislative session, MLTC's Policy Committee will work this fall to establish 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.

## 2023-2024 State Legislative Priorities (updates since June 14, 2024 are in bold)

After a marathon 23-hour session, the two-year state legislative session came to a formal close on August 1st without action on several important bills, including MLTC's priority bills detailed below. While it is still possible for some laws to pass in informal sessions between now and the end of the year, this is a perilous path for controversial legislation, given that passage can be stopped by an objection from any single legislator present. Bills requiring a roll call vote, including bond bills, can only be passed in formal sessions. Lawmakers say that work on priority bills is ongoing and that they may convene a special formal session where bills such as the Economic Development Bond bill could be considered, but details are thus far unknown.

### Top MLTC Priorities

**An Act relative to the conservation land tax credit** ([H.2839/S.1940](#), Rep. Jones and Sen. Tarr)  
The formal session concluded without passing MLTC's top legislative priority to 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. Though the Joint Committee on Revenue reported this bill favorably and language based on this bill was added to the House version of the FY25 State Operating Budget in April, it was not included in the Senate version passed in May. **Despite efforts from MLTC, our supporters, and partners, the expansion of the conservation land tax credit was not included in the consensus budget sent by the Legislature to the Governor. MLTC will continue to work with our conservation partners to explore strategies to pass it in the next session.**

### FY2025 State Operating Budget Adopted

On July 29, Governor Healey signed the \$57.78 state operating budget for FY25, and our environmental agencies generally fared well. After some \$11 million in line item vetoes, final funding for work under the Executive Office and Energy and Environmental Affairs totals [just over \\$555 million](#), a bit under 1% of the overall budget. Additionally, another effort supported by MLTC, to reimburse the George L. Darey Inland Fisheries and Game Fund for free and discounted licenses (see more below), was included in the budget. Details of the final enacted budget can be found by clicking through links on [this page](#).

### Environmental Bond

The Commonwealth issues bonds to fund capital spending on the land acquisition and restoration programs that are critical to our work and 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. **As part of the Environmental Bond Coalition, in September, MLTC signed onto a letter to the Healey-Driscoll Administration to discuss how the Coalition’s priorities can inform the filing and development of upcoming legislation. On September 5<sup>th</sup>, Coalition representatives held an initial meeting with EEA officials to discuss priorities. MLTC has also joined an additional coalition which is undertaking parallel advocacy on priority issues related to Agriculture.**

### **Other Bills MLTC Supports**

**The formal legislative session ended on August 1 with none of the following bills passing:**

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

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. **The Judiciary Committee failed to report the bill favorably and sent it to study. The Coalition continues to meet to discuss strategies for pursuing passage in the next session.**

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

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, which would help meet the nature and working lands goals of the Clean Energy Climate Plan (CECP). 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 and sent 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)**

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 changes 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. **The Telecommunications, Utilities and Energy Committee failed to report the bill favorably and sent it to study.**

#### **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)**

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 Environment and Natural

Resources Committee reported this bill favorably **and discharged it to the Joint Committee on Rules in April, but the bill did not make it out of committee before the end of the legislative session.**

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

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. 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)

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 will create consistency and reimburse MassWildlife for the loss of revenue associated with providing both discounted (currently reimbursed) and free hunting and fishing licenses. **Language based on this bill was included in the final FY25 budget, reimbursing the Fund in FY25; however, this language does not provide the permanent fix we sought through this bill.**

### Other Bills of Interest

**An Act facilitating wetlands restoration** ([H.5036](#), Rep. Kristin Kassner)

This bill would align overlapping wetlands protections regimes by allowing DEP-permitted ecological restoration projects to be carried out in areas that are subject to wetlands restrictions orders (WROs). The wetlands restrictions program was enacted into law in the 1960s and allowed DEP to record deed restrictions on parcels with wetlands in cities and towns that adopted the program. Similar to conservation restrictions, these WROs are permanent, and incredibly difficult and expensive for DEP to amend. They cover approximately 60,000 acres across 50 communities, most of them coastal. This was an important tool before the Federal Clean Water Act, state Wetlands Protection Act (both enacted in 1972), and other laws to protect wetlands were enacted, but today, they are outdated. **This bill was a late file and has been reported favorably from the Environment Committee and the House Committee on Steering, Policy and Scheduling. Please contact Heidi Ricci at Mass Audubon if you want to engage in this bill's advocacy.**

### Biden-Harris Administration Updates

Earlier this year, the Biden-Harris Administration launched [Conservation.gov](#), a new website that helps connect people with information, tools, resources, and opportunities to support land and water conservation projects in communities across the country.

## Land Trust Alliance Federal Policy Updates

### Massachusetts Land Trust Coalition Conservation Partners Meeting Friday, September 20

#### Congress

This month, Congress returned to Washington, D.C. following August recess. With the fiscal year ending on September 30, the top priority for Congress is funding the federal government. To date, the House has passed more than half of the 12 regular funding bills on a partisan vote while the Senate has passed none. It is important to note that the House-passed bills include drastic cuts to federal agencies and bad policy riders that are drawing a lot of opposition. Senate appropriators are working together to draft bills that will draw bipartisan support. As a result, it is likely Congress will pass a continuing resolution (CR) that would fund the government at current levels allowing lawmakers more time to work out a deal. Most recently Speaker Johnson had to delay a vote on a CR that would have funded the federal government to March, 2025 because he couldn't secure the votes to get it passed. The Speaker is expected to try and move the bill the week of September 16. Most lawmakers want to pass a CR that would expire in December 2024 rather than punting funding to a new Congress and a new Administration. At this time, we believe Congress will reach an agreement and pass a CR to avoid a government shutdown right before the November elections.

In addition, Farm Bill negotiations remain ongoing. In the House, Agriculture Committee Chair Glenn 'GT' Thompson continues to voice his interest in passing the Farm Bill this year. As a reminder, Chair Thompson moved the Farm Bill out of the House Agriculture Committee in May on a bipartisan vote. Senate Agriculture Chair and Ranking Member Debbie Stabenow and John Boozman released separate frameworks outlining their parties' respective priorities for the legislation earlier this year. Unfortunately, there remains disagreement on how to pay for the legislation, whether or not to make changes to the nutrition programs and how to address the Inflation Reduction Act climate sideboards. At this time, we are not expecting to see further action on the next Farm Bill until progress has been made on moving the appropriations bills. On September 11, House Agriculture Committee Ranking Member David Scott sent [a letter](#) to ag committee Democrats explaining they will not seek an extension of the Farm Bill to keep the pressure on Congress to pass a bill this year. We are hopeful they will get it done during lame duck.

Congress continues to focus on streamlining the permitting of energy infrastructure projects. On July 22, the Senate Committee on Energy and Natural Resources passed SB 4753, the Energy Permitting Reform Act of 2024, introduced by Sens. Joe Manchin (I-W.V.) and John Barrasso (R-Wyo.) on a 15-4 bipartisan vote. The legislation is part of a multi-year effort to reform the permitting processes for fossil fuel, renewable energy and transmission infrastructure. The legislation makes numerous changes to the permitting processes for energy and transmission projects, including setting mandatory deadlines for agencies to make decisions on project applications, requiring the Secretary of the Interior to hold at least one offshore wind and one offshore oil and gas lease sale per year, and setting deadlines to approve or deny pending and future liquefied natural gas export facilities. It also gives the Interior and Agriculture departments 180 days from enactment to publish regulations to create categorical exclusions under the National Environmental Policy Act (NEPA) for low-disturbance activities necessary for renewable energy projects. More recently, House Natural Resources Chair Bruce Westerman (R-Ark.) released his own NEPA legislation. The Westerman legislation would limit the scope of environmental reviews, place new restrictions on scientific research and would bar lawsuits challenging categorical exclusions. Both the Manchin/Barrasso and Westerman bills are expected to be further debated and possibly acted on during the lame duck period.

*Call to Action:* Massachusetts land trusts can 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](#) (you may reach out to the Alliance at [policy@lta.org](mailto:policy@lta.org) for specific staffer contact information), [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, we are asking land trusts to urge your elected officials to voice strong support for the Forest Conservation Easement Program Act with mandatory funding. In addition, education is always important so please share stories with them about the benefits of perpetual easements for their district/state. Once you have completed this request, please email [policy@lta.org](mailto:policy@lta.org).

### **Administration**

#### *Growing Climate Solutions Act Advisory Council*

Last month, the U.S. Department of Agriculture announced the establishment of the Greenhouse Gas Technical Assistance Provider and Third-Party Verifier Program Advisory Council. The council will include 32 individuals representing various interests including the USDA, EPA, National Institute of Standards and Technology, farmers, ranchers, private forest landowners and others involved with voluntary environmental credit markets. The council will be responsible for periodically reviewing and recommending changes to the program and advising the agriculture secretary on various matters.

If you are interested in submitting a nomination to the Council, you have until October 15. Additional details can be [found here](#).

### **Rally**

The Alliance looks forward to seeing many Massachusetts land trusts next week at Rally. The Government Relations team will be hosting and participating in several events including a half-day seminar on renewable energy siting on September 26 with Michelle Manion from Mass Audubon serving as a panelist, the Alliance's annual policy breakfast on the morning of September 28 and for those who are Ambassadors our annual reception on the evening of September 26. To RSVP for these functions and or for additional information, 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.

To access the website, [click here](#).

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

The Alliance's NRCS Conservation Acquisition Team (NCAT) is now fully staffed, with the additions of Josh Holmes and Dyan Holt as Project Specialists and Lindsay Reamer as Project Assistant. As a reminder, the team has been established to offer one-on-one support, knowledge sharing and document assistance to assist land trusts in using ACE-ALE and RCPP.

As reported in our last update, the team hosted a webinar in June detailing the services that will be offered. If you were unable to join the webinar but are interested in learning more you can do so by clicking here.

In addition, the Alliance in partnership with NRCS held the 2024 Easements Summit in July. Attendees included participants from 47 land trusts and conservation organizations representing 31 states.

Attendees had the opportunity to participate in field trips, in addition to workshops, panels and break-out discussions focused on identifying ways to promote dialogue, learning and practical solutions for advancing land conservation efforts through ACEP-ALE and RCPP.