



Steering Committee Minutes
Friday, June 9, 2023 Hybrid
MassWildlife Headquarters, Westborough, MA

Attendees: On record (19 live and 35 hybrid)

Staff Attendees:

- Robb Johnson, ED
- Barbara Chrenko, Programs Manager
- Steve Anable, Development and Communications Coordinator

Handouts (On website for members):

- Agenda for today's meeting (emailed to all hybrid registrants)
- Minutes of March 10, 2023 (available to members at: <https://massland.org/steering-committee-meeting-materials>)
- Quarterly Massachusetts Land Trust Coalition (MLTC) Public Policy Update (emailed to all Zoom registrants)

1. **Welcome.** **Kathy Orlando** called the meeting to order at 10:07AM; welcomed everyone and reviewed the meeting logistics for hybrid participants.
 - a. *Introductions:* Live and virtual attendees introduced themselves. Barbara asked all live attendees to wear nametags and to sign in.
 - b. *Welcome:* Mark Tisa, MassWildlife (MW) Director, welcomed everyone to the headquarters and acknowledged Emma Ellsworth as a new MW board member and then introduced staff participants and state employees. He described the change in MW's progression from site and species specific conservation to a broad spectrum strategy linking habitats and recognized the land trust (LT) community for their long enduring broad approach focused on preserving land to achieve these outcomes. He invited everyone to work with MW on shared priorities.
 - c. *Minutes of March 10, 2023 Steering Committee Meeting:* William "Buzz" Constable moved and Anna Wilkins seconded the motion to accept the minutes. Hearing no further discussion Kathy called the vote. **VOTE:** Unanimous
 - d. *Next meetings (See Attachment A, p.5):* Friday, September 22nd, location TBD, with call-in via Zoom. Robb referenced staff slide of upcoming meetings. Winter meetings will most likely be virtual.
 - e. *Bylaw changes overview (See Attachment A, p.5):* Kathy briefly summarized MLTC's launch as an all-volunteer initiative eventually incorporating as a 501(C)(3) in March of 2010. Since the first draft of the bylaws, the Governance Committee has proposed revisions to assure all land trust members can vote, defined voting members, changed annual meeting date, changed the name of this meeting to Quarterly Conservation Partners, and clarified the role of Chair and Vice Chair accordingly. Robb further clarified that the quarterly meetings are meant to be collaborative and Conservation Partners attendees do not have to be members, just have an interest in land conservation. Bylaws being updated to reflect definition of members, term limits for board members. The bylaw changes are voted on by the board, and this presentation was FYI for attendees. Robb asked for questions. Ray Lyons asked if non-land trust members would have a vote and Robb clarified that just land conservation organization members. Kathy clarified that there is rarely a requirement to vote except for board members. She emphasized the strength of the Quarterly Conservation Partners Meetings. Buzz clarified that everyone can vote on the minutes of these meetings. As noted in Attachment A, MLTC members vote on:
 - i. The election of MLTC's Trustees
 - ii. To amend MLTC's Articles of Organization

iii. To dissolve MLTC or merge with another organization

- f. Robb noted that Kathy Orlando will continue as chair but Lisa Vernegaard will be resigning as vice-chair and he thanked her for her years of service to MLTC. Buzz thanked everyone who worked on the Governance Committee especially Kathy and Robb.

2. **MLTC Staff Report. Robb Johnson, MLTC Executive Director** *(See Attachment B, p.6)*

- a. Robb thanked everyone who worked on the Massachusetts Land Conservation Conference (MLCC) noting that neither he nor Barbara were on board for the last in-person MLCC.
- b. Program updates: Robb noted that the series on land conservation is being very well received. (SEE SLIDE) and all of the programs very well attended and evaluated.
- c. Committee opportunities. Next Land Trust/State Agency Retreat (Oct 5th and 6th) going back to overnight and looking for volunteers (SEE SLIDE)
- d. 100K challenge. Robb asked for everyone's help on this and clarified that a pledge can be included. Deadline is June 30th. (SLIDE)
- e. Questions: Robb reviewed chat comments/questions. Mark Robinson clarified that gifts need to come from everyone, not just land trusts and how critical the goal is. Rita asked for clarification, and it was noted that only increases are counted for existing donors.

3. **LTA Report. Jen Plowden, New England Program Manager.** *(See Attachment C, p.7)* Jennifer provided the following update:

- a. Shared the work that is underway with the Appraisal Institute to help increase the pool of qualified appraisers in New England.
 - i. She referenced the Conservation Easement Valuation Course that was held May 30-June 2 and attended by 26 appraisers. She shared appreciation for Chris LaPointe (Greenbelt), Meredith Houghton (Sudbury Valley Trustees), and Carol Wilkinson (Mass Audubon) for joining a networking lunch and sharing how they work with appraisers.
 - ii. She also noted the Uniform Appraisal Standards for Federal Land Acquisitions "Yellow Book" course that was held June 8th-9th and was attended by 24 appraisers. In her welcoming remarks, she noted MLTC's service provider's directory.
 - iii. Next steps include developing a factsheet of best practices to guide land trusts working with appraisers, as well as a related webinar on the topic, and additional opportunities for networking and mentorship.
- b. Shared information on the Alliance's Urban Conservationist Peer Network, the New Executive Director Peer Group and the Acquisition and Stewardship Peer Group. See slides for more information.
- c. Reviewed upcoming webinars and noted that 2024 Rally will be in Providence.
- d. Robb noted that Jennifer's slides will be sent to all registrants due to technical difficulties at the beginning of her presentation.

4. **State Agency Updates.**

- a. **Tom O'Shea**, Commissioner, Mass. Dept. of Fish and Game (DFG), appointed in May, thanked Mark Tisa for his welcoming comments to land conservationists. Tom noted his past role at the Nature Conservancy, and emphasized the importance of the land trust relationship with the state divisions and agencies for achieving conservation outcomes. DFG is currently working on biodiversity goals for the state in addition to climate goals as both are inter-related and they plan to announce these goals by the end of the year. Priorities include: integrating resiliency with forest management; connecting EJ communities with natural resources and MW activities including hunting, fishing, outdoor recreation engagement and advance MW beyond "fish and game" through land conservation amongst others.
- b. **Kurt Gaertner**, Assistant Secretary for Environmental Policy, Energy and Environmental Affairs (EEA) introduced as follows:

- i. **Melissa Cryan**, DCS Grants Program Supervisor, said the PARC, LAND and Conservation Partnership Grants are posted. She encouraged LTs to partner with their municipalities to apply. June 29th is the end date for questions.
 - ii. **Vanessa Farny**, DCS Land and Forest Program Manager, noted that seven landscape scale applications were received and awards are pending with the announcements to be made in July.
 - iii. **David Viale**, Agricultural Lands Programs Supervisor, Mass. Dept. of Agricultural Resources (MDAR) noted that the Agricultural Permanent Restriction (APR) listening sessions end today and it is the last day for comments (link in chat). The Farmland Action plan should be approved in the near future. The APR program accepts applications on a rolling basis and projects are now ranked quarterly vs. annually to improve timeliness. He noted with appreciation that the federal Natural Resources Conservation Service (NRCS) has now designated MDAR as a certified eligible entity which will improve the timeliness of APR approvals since NRCS does not have to review every aspect of every project in advance. On June 13th via zoom an Agricultural Working Group will be launched with MLTC to advance common goals for agriculture in MA based on the success of other working groups launched by MLTC (link in chat). Robb noted 25 have signed up so far. Jamie Pottern, American Farmland Trust, will facilitate a Massachusetts and NRCS State Technical Committee meeting on June 28th (link in chat) to better understand and to advance improvements with state agricultural lands preservation ranking tool. MDAR may be getting some funding from the ARPA. He noted he is hopeful to be sending out RFPs that include funding for full-time staff for land acquisition activities, coordinating regional partnerships, succession planning, and farm viability assistance.
(Barbara noted that registration links posted to chat will be emailed to all live attendees. See *Attachment E.*)
 - iv. Kurt Gaertner welcomed **Commissioner O'Shea** and introduced the new DCR Commissioner Brian Arrigo, former mayor of Revere. Kurt summarized as follows:
 - v. He noted that the Safe Harbor template has been posted on the DCS website for those seeking to amend a Conservation Restriction (CR) to use this IRS option.
 - vi. He acknowledged receiving the letter sent by Robb Johnson to the EEA Secretary on CR review. DCS is also frustrated and is continuing to work on this and extending relationship with UMass partnership to advance CR review process. Kurt acknowledged how important this issue is and need to get it resolved ASAP.
 - vii. He noted the Healy administration's release on forests and working lands to address climate change resiliency by creating additional forest reserves; improving private forest management; and forestry on state owned land has been halted until practices are updated with the latest climate science. Forestry will resume in 6 months once new guidelines established. He noted current active projects will continue and clarified that the state is not entering into new contracts until new guidelines are released.
 - viii. Goals are being set for forested land conservation and to reduce land conversion (e.g. solar) 30% by 2030 and 40% by 2050 consistent with the Resilient Lands Initiative. All this will be done in collaboration with the LT community and Bob Wilber will lead this effort. Incentives for private landowners are being discussed to increase climate oriented forestry. All nature-based benefits are being considered and a financial vehicle is yet to be determined.
 - ix. Forest reserves are being identified which increase habitat and nature-based services. The goal is to work with LTs, stakeholders and municipalities on reserves that might straddle multiple landowners with a goal for permanent preservation. Forestry businesses will be approached to address impact to their industry by this initiative. Practice guidelines will be developed incorporating latest science and will be available on EEA's website hopefully by FY24 and fully integrated by FY 25. Robb thanked Kurt and EEA for all of their work on these ambitious initiatives so early in the new administration.
- c. **QUESTIONS:** How is long the CR backlog? Currently Kurt noted normally 150-250 CRs seen per year at a 5-6 per week pace approval. Presently more than 200 under review and a more normal pace resuming

and the number has increased. UMass extension has been added to the 3 contract staff in addition to FT position. Collin noted that the delay is impacting new work as outstanding CRs holding back work.

- i. Mark asked about the approval process requiring State approval. Kurt emphasized that the state role will continue in order to avoid issues present in other state not requiring state approval. Cynthia H. is in favor of local and state approval and commented on the need to adhere to state template and how to reduce a second round of questions during the review process.
 - ii. Buzz supported Cynthia's comments and suggested that maybe CR review process by the EEA not be redundant with others responsible for some aspects. Buzz also suggested that the Wildlands Report be used to increase conservation. And, that the Environmental Bond Bill is sound and that can be flexible, but not to CLTC projects.
 - iii. Rita asked if there is anything LTs can do regarding CR process and Robb requested all input ASAP before June 21st meeting.
 - iv. Chris LaPointe asked about housing and conservation and Kurt noted that this is a top point of interest and he looks forward to working with new Housing Secretary on how to achieve housing and conservation. It was also noted that the Commonwealth's Sustainable Development Principles are an important foundation for guiding the housing and conservation arena." Global Warming Solutions Advisory Committee meeting occurring today and includes line item budget item to address this.
 - v. Mark noted the challenges for areas of the state where land acquisition costs are significant and cost per acre greatly exceeds other important projects where land costs are less.
 - vi. Kathy suggested all questions be addressed to Robb or Kurt due to time constraints.
5. **Policy Update & MLTC Policy Committee Update – Robb Johnson** (MLTC) (*See Attachment D, p.11*) directed everyone to review the MLTC Policy Update for the current legislative priorities, anticipated funding and administrative action.
6. **Committee and Working Group Updates**
 - a. Early Career Conservation Network (ECCN) – **Mariah Fogg** (BNRC) summarized the purpose of the group. Had a great turnout for preconference event at Broadmeadow Brook and for Russ Cohen event at the Arboretum. Currently reviewing current strategies and how to improve work. Planning to offer another member survey to update results of last one done 6 years ago.
 - b. Agriculture – **Kathy Orlando** (Sheffield Land Trust). Kathy noted summary was presented by David Viale.
 - c. Amicus – **Buzz Constable** (LLCT/MLTC Board). Nothing new to report.
7. **Conservation Map-Making for Non-Experts – Jack Nessen** (GIS Systems Manager, Mass Audubon). Presentation summarized all uses including:
 - a. Advocacy and Policy, Analysis and Reports, Bounds and Trails, Land Conservation, Membership and Visitation, Public Conservation Services, Regional Science support and Climate Change.
 - b. Validating and generating data
 - c. Reviewed a number of the top online mapping tools available, their uses and gave examples of technical procedures to use, and how to customize the maps, e.g., on MassMapper changing the color of particular features to emphasize and reorganizing how the map presents to emphasize features.
 - d. Presentation available here: **Conservation Map-Making for Non-Experts** is [here](#). (An interactive player, not PPT or PDF)
8. Barbara noted links to resources would be emailed to registrants (*See Attachment E, p.16*)

Buzz Constable moved and Cynthia Henshaw seconded to adjourn. Hearing no further issues, meeting adjourned at 12:19PM.

Respectfully submitted,

Thanks to our hosts at MassWildlife!

- Sign-in and nametags required
- Please minimize conversations/noise in the lobby

Upcoming Meetings

10 am – 12:15 pm

- Friday September 22 hybrid, location TBD
- Friday, December 8 via Zoom
- Friday, March 8, 2024 via Zoom
- Friday, June 14, 2024 hybrid, location TBD



Proposed MLTC Bylaw Changes

- All dues-paying land trusts eligible to vote on:
 - Election of MLTC's Trustees
 - To amend MLTC's Articles of Organization
 - To dissolve MLTC or merge with another organization
- Annual Meeting/Board elections moved from March to June
- Trustee terms limited to nine consecutive years; can be renominated after one year
- To better reflect their function and to be more welcoming and inclusive, Steering Committee Meetings will now be called "Conservation Partners Meetings"
- These will be chaired by the Chair/Vice Chair of a new MLTC committee, the Partner Engagement Committee, with roles similar to those Kathy/Lisa have played
- Kathy continues as Chair; a nomination to replace Lisa in September



MLTC Program Updates

March Land Conservation Conference a success

-- Thanks to all our sponsors, exhibitors, speakers and volunteers!

Fundamentals of Land Protection – 5 week course, 75 registrants!

Stronger Together networking calls this summer:

- Large Regional Land Trust Executive Directors - late June
- Housing and conservation collaborations – June 27
- All Volunteer Land Trusts – Aug 15
- Fundraising/Development - TBA

Ag Conservation Working Group Kickoff – June 13, 4 – 5 pm via Zoom

Land Trust / State Agency Retreat – October 5 & 6, Harvard Forest

Committee/Workgroup Opportunities

Land Trust / State Agency Retreat Planning Committee
(meets July – September)

Conference Planning Committee
(meets mostly August – December)

Working group on Land Trust / Municipal Collaboration
(convenes in September)



100K Challenge!

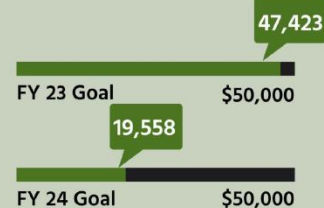
We don't get it
'til we match it!

Help us meet a \$100,000 challenge!

An anonymous foundation has issued an exciting challenge! If we raise the match, they will grant us \$50,000 in 2023, and another \$50,000 in 2024!

We're on our way!

as of June 8, 2023.....



massland.org/donate



Appraisers

We're working to increase the pool of qualified appraisers!

- **Partnership with the Appraisal Institute**
- Hosted Conservation Easement Valuation Course
- Boston, May 30 – June 2, attended by 26 appraisers
- Thanks to Chris LaPointe (Greenbelt), Meredith Houghton (Sudbury Valley Trustees), and Carol Wilkinson (Mass Audubon) for joining networking lunch and sharing how they work with appraisers.
- Hosted *Uniform Appraisal Standards for Federal Land Acquisitions* "Yellow Book" course Springfield, June 8 – 9, attended by 24 appraisers
- Next steps: factsheet of best practices, webinar, networking, exploring mentorship



Urban Conservationist Peer Network

Provides a forum in which land trust staff and board members can discuss challenges unique to their urban service areas

- Land trusts in cities have had to innovate, using new conservation tools, engaging diverse audiences and developing specialized skills to protect land in densely populated areas. They have also been at the vanguard of addressing their communities' social and economic concerns through land conservation. They need opportunities to share ideas, build their networks and grow skills that are unique to the urban environments in which they work.
- **Learn more and apply here:**
<https://landtrustalliance.org/resources/learn/topics/engaging-community/pages/urban-conservationist-peer-network>



Are you a new executive director?

Please consider joining the Alliance's New Executive Directors Peer Group, designed for EDs who have been in their roles for three years or fewer!

- **2023 Peer Group of about 50 leaders in the Eastern Division**
- Group connects virtually the first Thursday of each month – July is last month to join!
- Formal training and networking opportunities to build relationships and problem solve around your biggest challenges. Learn more [here](#).
- Email Jen Plowden if you're interested in joining: jplowden@lta.org



Acquisition & Stewardship Peer Group

Join your land and conservation easement acquisition and stewardship peers across the Eastern U.S. to expand your knowledge and skills and find a place for support — sharing your successes and seeking solutions to your challenges.

- Learning circles (training and discussion), regional network building, roundtable discussions.
- Still over a year of programming left – accepting new members for the next few months.
- The Land Trust Alliance, the Alliance of North Florida Land Trusts, Gathering Waters: Wisconsin's Alliance for Land Trusts, the Partnership for Gulf Coast Land Conservation, and Prairie State Conservation Coalition are joining forces to a new round of peer learning.
- Learn more [here](#).



Upcoming webinars

- [**Managing Restricted Gifts**](#) – **June 14**
- [**Shouting into the Void: Communicating Post-Social Media**](#) – **June 20**
- [**Be Your Land Trust's Ambassador: Word of Mouth Marketing**](#) – **June 22**
- [**Introduction to Affordable Housing For Land Trusts**](#) – **June 27**

Ensuring Conservation Permanence

- Risk assessments are underway with Land Preservation Society of Norton, Andover Village Improvement Society, and Franklin Land Trust
- Starting next month: Lowell Parks and Conservation Trust
- <https://landtrustalliance.org/resources/learn/explore/ensuring-conservation-permanence-in-maine-and-massachusetts>

Safe Harbor Provision of Integrity Act

The Integrity Act provides easement donors the opportunity to amend certain conservation easement clauses to potentially safeguard the federal tax deduction from possible IRS audit.

- Donors can substitute safe harbor language drafted by the IRS for the corresponding language in the original deed. But this only applies to extinguishment and boundary line adjustment clauses for federally deductible conservation easements. The Act allows only 90 days to amend and record from April 24 to July 24! If state approvals or government agency approvals are required for amendments, this could complicate meeting the fixed deadline.
- The Alliance revised its [Advisory](#) to notify land trust members and their counsel of this important development. We held a free [webinar](#) for Alliance land trust members and their attorneys on May 3. The IRS released [Notice 2023-30](#) which has some details. NRCS issued a written notice on May 17, 2023 stating that it would agree to timely amendments for boundary line adjustments but will not accept the IRS proceed clause.
- Ultimately this is a donor issue—land trusts are not responsible for their donors' tax deduction. It is also a donor relations issue with some land trusts deciding to notify donors while being careful to avoid giving tax or legal advice. Each land trust has to make its own determination about its course of action in consultation with legal counsel. The Alliance is continuing to engage the IRS and federal agencies on these issues.



Safe Harbor Provision of Integrity Act

This week's update:

- The IRS has confirmed that it is not working on nor has any plans to provide further guidance on the safe harbor provisions.
- The NRCS has stated that it will not provide any further information or writings regarding its arrangement with the IRS (and the IRS refuses to elaborate as well).
- Law360 Tax Authority reports that the IRS appeals office could reopen conservation easement cases that revised the deeds for boundary adjustment or extinguishment clauses based on recent safe harbor guidance, an agency official said. Reopening settled conservation easement cases is possible "assuming that the refund statute of limitations is still open, and assuming the taxpayer meets the fairly strict requirements" in the law, Andy Keyso, chief of the IRS Independent Office of Appeals said.
- So, the message—what we have is it and we need to forge ahead.



RALLY 2023 • National Land Conservation Conference

September 6-9, 2023 • Portland, OR

2023 Registration Rates

Early Bird Registration (on or before July 24, 2023):

- Alliance land trust members and affiliates: \$535 (staff and board of dues paying land trusts and affiliates)
- general admission: \$700 (all other individuals)

Basic Registration (July 25 – August 14, 2023):

- Alliance land trust members and affiliates: \$635 (staff and board of dues paying land trusts and affiliates)
- general admission: \$800 (all other individuals)

Other Registration Options

- full-time student/current AmeriCorps volunteer registration: \$250
- presenting faculty registration: \$275
- Friday-only registration: \$400 (includes Friday workshops, Friday plenary session and other networking opportunities)
- Saturday-only registration: \$400 (includes Saturday workshops, Saturday plenary session and other networking opportunities)
- A la carte registration: various prices (If you wish to attend a seminar, field trip or special event but not any Friday or Saturday workshops)
- CLE credits for attorneys: \$100/state

Registration: <https://alliancerally.org/registration2023/>

Scholarships and stipends: <https://alliancerally.org/scholarships/>

Volunteering: <https://alliancerally.org/volunteering/>



Thank you!

Jen Plowden

New England Program Manager

Land Trust Alliance

jplowden@lta.org

(978) 595 - 3871

ATTACHMENT D Public Policy Update

Massachusetts Land Trust Coalition (MLTC) Steering Committee Meeting June 9, 2023

Healey Administration Updates

Since our last update, the Healey Administration has filled additional key environmental leadership positions with appointments of former Revere Mayor [Brian Arrigo](#) as Commissioner of DCR, [Bonnie Heiple](#) as Commissioner of DEP, and [Tom O'Shea](#) as Commissioner of DFG. (Commissioner O'Shea comes to the Administration from The Trustees, where he served as Vice President of Conservation and Resilience.)

In a May 25th meeting coordinated by Mass Audubon and attended by MLTC, TNC, The Trustees, ELM and AMC, Climate Chief Melissa Hoffer and EEA Secretary Rebecca Tepper indicated a strong commitment to the critical role natural and working lands play in climate resiliency, in addition to the myriad other benefits they provide. They previewed a number of important announcements to be made in coming weeks on issues including the FY24 capital spending plan and a new commission on land use related to energy facilities siting. On June 7th, the Administration announced a new [Climate-Focused Forestry Initiative](#) to ensure Massachusetts' forests are managed to optimize carbon sequestration and mitigate climate harms as part of meeting the state's aggressive climate goals. Plans include increasing investment in land conservation to prevent forest conversion; convening a forest reserves group to establish new goals for forest reserves on public and private lands based on the potential to absorb carbon and support biodiversity; creating new incentives for private woodland owners and municipalities to optimize climate resilience and carbon storage in forest management practices; and pausing new forest management work on state lands for six months while a committee of scientific experts develops new climate-oriented management guidelines for state property.

2023-2024 State Legislative Priorities

MLTC's Policy Committee has agreed to support a limited list of priorities this session in order to maximize impact of our resources. As the session progresses, the Committee will monitor other bills relevant to our primary strategic objectives (increasing state investment in land conservation and the work of land trusts, and maximizing the integrity and natural resource value of both protected and unprotected lands of significant conservation value) and take action accordingly.

Top MLTC Priorities

An Act relative to the conservation land tax credit ([H.2839/S.1940](#))

This bill is MLTC's top legislative priority this year. Attempts to have provisions of the bill attached as an amendment to the FY24 state operating budget this spring were not successful. A hearing on the bill was held June 6th before the Joint Committee on Revenue. Linda Orel (The Trustees) coordinated submission of [joint testimony on behalf of 21 organizations](#) and MLTC coordinated live testimony from a panel including Robb Johnson, Tara Christian (TNC), Alain Peteroy (Franklin Land Trust) and Jessica Whritenour (The 300 Committee Land Trust). This 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 in over three years. The program cap would revert to \$2 million after 10 years. The bill also amends the definition of a "public or private conservation agency" that may receive donations of land to include all land conservation trusts regardless of their corporate structure. (The current statute inadvertently excludes land trusts that are chartered as charitable trusts rather than non-profit corporations.) Passage is a recommendation of the Resilient Lands Initiative. MLTC will continue to work closely with coalition partners including The Trustees and TNC on strategies to move this forward. **Thanks to all who contacted their legislators to request co-sponsorship. Stay tuned for our next ask!**

Environmental Bond

The Commonwealth issues bonds to fund capital spending on the land acquisition and restoration programs that are critical to our work. According to latest information from the Administration, spending authority from the 2018 Environment and Climate Bond is not yet depleted, so action on the next Bond bill is unlikely before 2024. As action on that becomes timely, MLTC will be 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.

State Operating Budget

Under ELM's Leadership, [a broad coalition of our partner's advocates for "Green Budget Priorities"](#) in the state's operating budget. The operating budget for FY24 will be finalized only after a conference committee resolves differences between versions passed by the House and Senate this spring. Most of our priorities fared well in the House and Senate versions, so we are cautiously optimistic that come July we will be pleased with the final outcome. In 2022, as the legislature appropriated the balance of federal funding received through the American Rescue Plan Act (ARPA), it put \$1.74 billion in budget surplus operating funds into escrow. We have joined statewide partners to encourage equitable investment of a portion of these funds in land conservation, parks, and natural climate solutions, and are cautiously optimistic that the Administration's FY24 Capital Spending Plan will reflect such investments.

Other Bills MLTC Supports

An Act relative to uniform partition of heir's property (H.1744, Rep. Roy.)

This bill has been assigned to the Joint Committee on the Judiciary. As of June 7th, no hearing date has been set. Heir's 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 their 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. With endorsement by the Uniform Law Commission, provisions of this bill have already been adopted in 22 states and districts. Millions of dollars of inherited wealth have been lost nationally by families who were vulnerable to real-estate speculators, disproportionately impacting low-income property owners without resources for estate planning. Nationally, forced partition sales have been cited as a significant factor in conversion of agricultural property. MLTC joins a coalition including American Farmland Trust, The Northeast Farmers of Color Land Trust, Mount Grace Conservation Land Trust, The New England Land Title Association, and the Greater Boston Real Estate Board in favor of this legislation.

An Act investing in natural and working lands (SD.2261, Sen. Comerford)

This bill has been assigned to the Joint Committee on Environment and Natural Resources. As of June 7th, no hearing date has been set. Meeting the natural and working lands goals in the Clean Energy Climate Plan (CECP) will require new tools. 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. 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.

An Act to encourage solar development on buildings and disturbed land (H3225, S2150, Reps. Lindsay Sabadosa & Sean Garballey/Sen. Mark)

A hearing on this bill is scheduled for June 20 at 10 AM before the Joint Committee on Telecommunications, Utilities and Energy. 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 change 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. Sierra Club is leading the effort on this bill.

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)

A hearing on this bill was held May 17th before the Joint Committee on Natural Resources. The Trustees is leading the effort on this bill, and [submitted testimony on behalf of a coalition of 12 organizations](#), including MLTC. 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](#).

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

This bill has been assigned to the Joint Committee on Environment and Natural Resources. As of June 7th, no hearing date has been set. 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. The Trustees and Charles River Watershed Association are leading the effort on this bill.

Additional State Administrative and Regulatory Updates

The Department of Energy Resources is continuing its [Technical Potential of Solar Study](#). Mass Audubon is developing its own independent study on solar siting that will include policy recommendations designed to deploy solar to meet our decarbonization goals and to avoid and minimize impacts to important and sensitive natural resources.

Federal Updates

On Thursday, May 26th the [Supreme Court ruled to limit the authority of Environmental Protection Agency](#) (EPA) Agency's ability to regulate wetlands under the Clean Water Act. In short, the court ruled that Clean Water Act now applies only to wetlands directly connected, via surface water, to bodies that are considered "waters of the United States". In the absence of federal protections, state and town governments can enforce their own wetlands protection laws that are more stringent than national laws in order to safeguard local resources. This ruling will have particularly adverse impacts on wetland resources in about half of all US states that lack strong wetlands laws. Fortunately for Massachusetts, our state regulations are in many cases already more stringent than federal regulations. The state Wetlands Protection Act has established a 100-foot buffer zone around any wetland and a 200-foot buffer zone from any riverfront, limiting activities in these buffer zones to protect our water bodies. Even here, it remains critical to advocate for diligent enforcement of existing wetlands regulations, and to monitor opportunities to make them ever stronger.

Land Trust Alliance Policy Update Prepared 5/31/2023

Note from the March update: In January, the Alliance released its 2023 policy agenda. It reflects the priorities and input of the national land trust community. This year's focus areas include seeking resources to assist land trusts, engaging in the 2023 Farm Bill negotiations, implementation of the Charitable Conservation Easement Program Integrity Act, ensuring the integrity of conservation donations, advancing natural climate solutions and guiding sound energy siting policies. The entire agenda can be [found here](#).

Congress

Congressional leadership and President Biden reached agreement on legislation, H.R. 3746, the Fiscal Responsibility Act, to increase the debt ceiling to pay for already incurred expenses of the federal government.

The House voted the package out May 30th on a 314 to 117 bipartisan vote. The Senate is expected to take the bill up quickly and if it passes it should reach the President's desk prior to the June 5 deadline for catastrophic risk set by Treasury Secretary Janet Yellen. [June 7 update: it was signed as expected.] It would rescind unspent COVID funds from the U.S. Department of Agriculture, which members of the agriculture committees had hoped to use to pay for additional funding for various parts of the Farm Bill including the Commodity title and crop insurance.

Thankfully, the legislation did not touch the nearly \$20 billion in Inflation Reduction Act funding for Farm Bill conservation programs. However, I think we should anticipate a stronger push to try and reallocate some of that funding to other parts of the Farm Bill. It does include work requirement provisions for some able-bodied adults to access the Supplemental Nutrition Assistance Program (SNAP). In voicing that she will vote for the bill, Senate Agriculture Committee Chair Debbie Stabenow (D-MI) said this takes SNAP off the table for the 2023 Farm Bill negotiations. This could help move the 2023 Farm Bill negotiations along as it takes one of the big potential sticking points off the table.

The bill also includes limited changes to the National Environmental Policy Act –NEPA – by limiting most environmental reviews to no more than one year and complicated reviews to no more than two years. It also gives Secretaries the authority to determine what triggers NEPA and would designate one federal agency to develop and schedule reviews for each project. In addition, this requires a two-year study into energy infrastructure permitting issues.

On May 18, the House Appropriations Committee Subcommittee on Agriculture released its draft FY24 appropriations bill which would make deep cuts to the USDA agriculture programs. The proposal would fund the Department of Agriculture at the lowest spending level since 2006. The cuts would undermine its ability to implement Farm Bill conservation programs and other USDA programs. This is just the first step in the appropriations process and it's highly unlikely the Senate would support the cuts. Congress has until September 30 to pass funding bills and it's likely they will pass a continuing resolution (CR) to keep the federal government funded as appropriations negotiations continue.

Farm Bill

The Farm Bill negotiations are well underway and the House and Senate Ag. Committees are hoping to pass a strong, bipartisan bill by the end of the calendar year. The 2018 Farm Bill expires at the end of September, but because the majority of programs we care about enjoy mandatory funding, we do not anticipate any problems if the bill is not reauthorized by the end of the federal fiscal year.

We anticipate the Senate Agriculture Committee will release language early to mid-Summer. The House Agriculture Committee is drafting as well, but behind the Senate and it's not likely language will be introduced before late summer or early fall. There are many factors that could cause this estimated timeline to slip, and we will keep people up to date.

The Alliance continues to refine our Farm Bill recommendations and to advocate on behalf of our members. We had about 110 people come to DC for Advocacy Days and the 2023 Farm Bill was our top priority. Overall, the feedback on our recommendations was positive – but our community will have to advocate strongly ensuring these provisions end up in the final bill.

Good news in regard to our recommendations – H.R. 3424, Forest Conservation Easement Program (FCEP) was introduced in the House by Reps. Trent Kelly a Republican from Mississippi and Annie Kuster a Democrat from New Hampshire. We anticipate a bipartisan companion bill will be introduced in the Senate next month. This is a marker bill with the goal of having FCEP incorporated into the conservation title of the 2023 Farm Bill. Please contact your representatives and urge them to sign onto this important legislation, which will put into place a comprehensive easement program that will fill the gap in the conservation of working forested lands.

Regional Conservation Partnership Program/Agricultural Conservation Easement Program

On May 19, the Natural Resources Conservation Service announced a \$500 million funding opportunity through the Regional Conservation Partnership Program (RCPP). This funding is possible thanks to the Inflation Reduction Act and available for RCPP Classic and Alternative Funding Arrangement (AFA) projects.

The announcement included administrative changes to the program to improve implementation of the program. As you are likely aware, earlier this year the agency convened several stakeholder meetings to receive input on ways to improve the program and also set up an internal team to review input to identify changes.

1. Simplifying and Reducing the Number of Agreements
2. Reducing Lengthy RCPP Easement Transactions
3. Improving the RCPP Portal
4. Consistent Guidance and Training for Employees and Partners
5. Simplifying the Technical Assistance Structure
6. Improving the Conservation Desktop
7. Simplifying the Partner Reimbursement Process

The deadline for applications is August 18, 2023.

In addition, the agency announced changes to improve the implementation of the Agricultural Conservation Easement Program (ACEP) including increasing the threshold for national review of ACEP appraisals from \$1 million to \$3 million and working to expand the number of certified entities.

We were very pleased to see that many of changes reflect recommendations from the Alliance based on input from our Farm Bill Working Group. Thanks to all of you who participate in our working group – it does make a difference.

If you have questions, please contact Lori Faeth at lfaeth@lta.org.

ATTACHMENT E Resources and Links

MLTC's Policy Updates are [here](#) (PDF)

David Viale presented some links. They are:

APR Program Review: Updates and Listening Sessions

<https://www.mass.gov/service-details/apr-program-review-updates-and-listening-sessions>

AG Conservation Working Group

Tuesday, June 13, 4 - 5 p.m. via Zoom

[Register](#)

MA NRCS State Technical Committee

<https://www.nrcs.usda.gov/conservation-basics/conservation-by-state/massachusetts/massachusetts-state-technical-committee-0>

ACEP ALE Subcommittee

[Register](#)

Jen Plowden's **Land Trust Alliance's Updates** are [here](#) (PDF)

Jack Nessen's **Conservation Map-Making for Non-Experts** is [here](#). (An interactive player, not PPT or PDF)