

Public Policy Update

May 2018

Karen Heymann, Legislative Director, Mass Audubon
Emily Myron, Government Relations, The Nature Conservancy

State Public Policy

The 2017-2018 legislative session is now entering its most critical phase – July 31st is the deadline for most bills to be considered by the legislature, after which the legislature will break for summer and then the fall campaign cycle.

Operating Budget

FY19 state operating budget has been passed by the House with increases for Department of Conservation and Recreation (DCR) state parks (\$40M), DCR watershed management (\$1.1M), Division of Ecological Restoration (DER) (\$900,156) and for Department of Environmental Protection (DEP) administrative (\$29.055M), compared with the previous year and the Governor's filing. Climate change adaptation was increased to over \$2 million.

The House of Representatives also amended its FY19 Budget to *enhance the Conservation Land Tax Credit program*. This bipartisan amendment had 50 co-sponsors and passed through a unanimous rollcall.

- Increase annual cap from \$2M to: \$3M Jan 2019; \$4M Jan 2020; \$5M Jan 2021
- Expand the eligibility of organizations which may receive CLTC donations to land conservation realty trusts. (Please note: more than a third of land trusts in Massachusetts are organized as realty trusts).
- Set an expiration date of 2029

The Senate Ways and Means Committee released their budget on May 10. Priority line items received the following: DCR state parks (\$43.22M), DCR watershed management (\$919,803), DER (\$1.255M) and for DEP admin (\$24.637M).

Amendments to the Senate Ways and Means budget are due by the end of the day on Monday, May 14. Senator Bruce Tarr is sponsoring an amendment identical to the House amendment to expand the CLTC. **Please contact your Senators to ask them to co-sponsor Senator Tarr's CLTC amendment.**

Capital Budget

Environmental Bond (H.4318 - *An Act Promoting Climate Change Adaptation, Environmental and Natural Resource Protection, and Investment in Recreational Assets and Opportunity*): Massachusetts issues General Obligation bonds which fund major capital projects including those that benefit the environment such as open space protection and habitat restoration. The Governor's administration oversees and disburses bond funding for critical grant programs; the legislature must periodically authorize bond funding programs, typically every four years.

- Bill currently before House Committee on Bonding, Capital Expenditures and State Assets. Chairman is Rep. Cabral (New Bedford) and Vice-Chair is Rep. Ruth Balseer (Newton). Hearing May 15th
- Next goes to House Ways and Means> full House vote>Senate Bonding>SWM>full Senate>conference.

The bond bill includes \$125M for a grant program for land, soil, water and natural resource conservation, open space preservation, watershed remediation, etc.; \$60M for natural resource restoration; \$60M for implementation of the integrated state hazard mitigation and climate change adaptation plan; \$50M Municipal Vulnerability Preparedness grants; \$50M complete streets program.

The bill also codifies the Governor's Executive Order No.569 (September 2016) and adds definition of "nature-based solutions" to chapter 21N (strategies that conserve, create, restore and employ natural resources to enhance climate adaptation, resilience and mitigation). The Environment Committee added earmarks and the following bills: S.2379 Fishing Innovation Fund (Tarr); H.4266/H.4321 Retention of animal inspection records (Schmid); H.2913 Environmental justice (DuBois); H.2108 "no-net loss" (Balseer/Eldridge); H.2713 Healthy Soils (Schmid); and added \$20M Coastal Buyback. The Committee also struck the "Clean Peak" provisions aimed at providing renewable energy during "peaking" periods of demand.

MLTC is part of the Commonwealth Conservation Coalition, which includes TNC, Mass Audubon, TPL, Trustees, AMC, AFT, MFA, MACC, Mass Rivers, and is actively advocating for land conservation priorities in the environmental bond.

Legislation

H.3855, An Act relative to land conservation incentives (*Rep. Stephen Kulik, Worthington*)

- We will only continue to advocate for this bill if the efforts to amend the budget fail.

S.1504, H.2615 An Act to sustain Community Preservation Revenue (*Reps. Stephen Kulik, Worthington and Kevin Honan, Brighton, Senator Cynthia Stone Creem*)

- Bill would increase the state trust fund distribution, which has hit an all-time low of 11.5% state match.

Update: Reported favorably out of Joint Committee on Revenue Committee; now in House Committee on Ways and Means.

H.2420 An Act building the future of the commonwealth (*Rep. Stephen Kulik, Worthington, Rep. Peake, Provincetown*)

- Bill would update the Commonwealth's planning, zoning and subdivision control statutes by implementing a comprehensive overhaul of the state's land use laws for the first time in decades.

Update: Committee on Municipalities and Regional Government; competing bill filed by Senator Harriet Chandler in the Senate heard by Joint Committee on Community Development and Small Business. Governor filed a housing bill, which lowers thresholds for adopting "smart growth" local zoning ordinances. The Governor's bill replaces "cluster" with "open space residential design" which are similar; however, the new OSRD definition does not clearly address whether municipalities can allow non-profits such as land trusts to own the land set aside as "open space" in these developments. May 9th was 'Day of Action' by Smart Growth Alliance, and there is a letter circulating to Members from Kulik/Peake

S.2181 An Act protecting the natural resources of the Commonwealth (*Sen. Jamie Eldridge, Acton, Rep. Ruth Balseer, Newton*)

- “No net loss” or “Public Lands Protection Act (PLPA)” bill would prevent loss of constitutionally protected open space (Article 97 lands) by requiring replacement land, as well as notification to EEA prior to filing legislation to dispose of land. Codifies state’s “no net loss” policy.

Update: Reported favorably Joint Committee on Environment, Natural Resources and Agriculture, sent to the Senate Committee on Ways and Means. PLPA language added to the environmental bond.

S.2196 An Act providing for the establishment of a Comprehensive Adaptation Management Plan in response to climate change (*Senator Marc Pacheco, Taunton, Representative Frank Smizik, Brookline*)

- Bill would require the Commonwealth to prepare a climate adaptation action plan, and establish program to provide technical assistance to communities to assess and address impacts
- Codify Governor Baker’s EO 569 to make it a statutory requirement for future administrations (Municipal Vulnerability Preparedness (MVP) program which helps cities and towns attain ‘MVP’ Status by conducting planning exercise to assess climate readiness; MVP communities will qualify for adaptation grants

Update: Passed by the Senate, now being reviewed by the House Committee on Ways and Means.

H.2932, Mohawk Trail Woodlands Partnership, *Representative Stephen Kulik (Worthington)*

- Partnership of 21 towns in Northwestern region of Massachusetts to promote sustainable forestry and economic development in the Berkshire region.
- State legislation provides authorization and funding; federal support and funding required.

Update: Reported out of Joint Committee on Environment, Natural Resources and Agriculture and is now in House Ways and Means.

Climate Change Adaptation

EEA has been busy implementing Executive Order 569 (EO569): an integrated approach to climate change (emissions reductions and resiliency/adaptation). EEA is wrapping up its first year of the *Municipal Vulnerability and Preparedness program* (MVP), designed to help communities conduct vulnerability assessments and prioritize adaptation/resiliency actions. About 70 communities have participated in the program’s first year, and each will be releasing their reports in the coming months.

On April 13, EEA announced \$5 million dollars toward the next round of MVP. This round will include both planning grants for communities to carry out the community resilience building process and action grants to provide funds for existing MVP communities to implement projects that support critical priorities identified through the MVP process. Planning grant applications are due Friday, May 11, and Action grant applications are due Friday, May 18. **We strongly encourage land trusts to engage in their local MVP processes to be a voice for conservation and nature-based solutions in their communities.**

EO 569 also directs the Executive Offices of Energy and Environmental Affairs and Public Safety and Security to lead the development and implementation of a *statewide integrated and comprehensive climate adaptation plan*. EEA has held a series of stakeholder sessions over the past year to collect public input. The final plan will come out in September of this year.

Federal Public Policy

Massachusetts conservation organizations have been *meeting with statewide and federal elected officials* to discuss environmental and conservation priorities. ,

Federal Budget: Earlier this year, Congress passed the Bipartisan Budget Act of 2018 which set topline funding levels for FY18 (increasing spending and eliminating the sequester spending cuts for both FY18 and FY19), paving the way for the FY18 Omnibus that was passed in the end of March. The Omnibus had much higher funding levels for conservation programs than in the President's proposed budget. Among the increases was \$25 million more appropriated for LWCF this year – totaling \$425 million. Of this, \$1.75 million will go to conservation projects at Silvio O. Conte National Wildlife Refuge.

Farm Bill: The House has released their version of the Farm Bill, which is being viewed as a significantly more partisan bill than in previous years. There is robust conservation funding in the Bill; however, the forestry and nutrition titles remain problematic. Overall, the bill increases conservation baseline outlays over 5-years (2019-2023) by \$656 million and decreases the conservation title baseline outlays over 10-years by (2019-2028). The outyear decrease is a concern, and organizations are working with the House Ag Committee to prevent this. Of note, CSP is eliminated. The House's bill has passed out of the Ag Committee and will come to a floor vote in May. The Senate Agriculture Committee farm bill is still up in the air, but it could be released in May.

LWCF: The Land and Water Conservation Fund (LWCF), a crucial federal and state conservation and recreation program, is set to expire on September 30, 2018. There are bills in the House and Senate to reauthorize the program (the MA Congressional delegation are all co-sponsors of these bills). The Senate bill is in the Senate Committee on Energy and Natural Resources and the House bill is in the House Natural Resources Committee's Subcommittee on Water, Power and Oceans. The conservation community is very closely monitoring the progress on of these bills.

New Faces:



Casey Harvell Bowers, Legislative Director
Environmental League of MA
office: (617) 391-0980; mobile: (781) 771-5404
cbowers@environmentalleague.org

Casey comes to ELM from the American Lung Association. As their Director of Public Policy, she developed and implemented a state legislative and policy agenda including work on renewable energy, lung diseases, and air quality. Casey was previously the Massachusetts Healthy Air Coordinator for the Lung Association serving as the field organizer for the state on a campaign to protect, enforce and strengthen the Clean Air Act. Prior to joining the Lung Association, Casey was a consultant at M+R Strategic Services where she executed successful policy, advocacy, and fundraising campaigns for clients. She has served on the executive board of Tobacco Free Mass and the Massachusetts Comprehensive Cancer Steering Committee. Casey received her Bachelor's Degree in economics and history from the College of the Holy Cross.



Emily Myron, Government Relations Specialist
The Nature Conservancy, MA
office: 617-532-8311; cell: 240-372-0792
emily.myron@tnc.org

Emily comes to The Nature Conservancy from the Lincoln Institute of Land Policy, where she managed a new international initiative to connect and support organizations around the world that are accelerating voluntary private and civic sector action to protect and steward land and water resources. Previously she worked for the Chesapeake Conservancy in Maryland where she secured \$16M from the federal Land and Water Conservation Fund, and advocated for state conservation dollars, by leading advocacy efforts of a coalition including federal/state electeds and agencies, diverse NGOs and Native American tribes. She also managed community-based conservation projects and provided statewide waterway public access for boaters at bridge crossings by leading a diverse coalition to convince policymakers to enact a new law. Emily has a Master's in Environmental Management from Duke University and a bachelor's degree in biology from St. Mary's College.



Carolyn Sedgwick, Executive Director
Massachusetts Land Trust Coalition
(978) 443-2233
csedgwick@massland.org

Carolyn Sedgwick joined the Massachusetts Land Trust Coalition in April as its new Executive Director. Carolyn comes to Massachusetts from Virginia where she managed land conservation projects for the Piedmont Environmental Council and worked for an international nonprofit establishing protected areas in Latin America. She has also worked with land trusts in Maine and North Carolina. Prior to becoming a land conservation practitioner, Carolyn was a field ecologist for many years studying the habitat use of range-restricted bird species. She holds a B.S. from Cornell University and a Master's in Environmental Management from Duke University.

