

12/13/19

# Public Policy Update

December 2019

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## State Public Policy

### Operating Budget

For fiscal year 2021, the Green Budget Coalition (led by ELM, MassRivers, AMC, TNC, Mass Audubon, MOSES and The Trustees) will be advocating for increased funding for four line items: Department of Conservation and Recreation (DCR) state parks and recreation, Department of Environmental Protection (DEP) administration, the Division of Ecological Restoration, and the Division of Fisheries and Wildlife's Natural Heritage and Endangered Species Program (NHESP).

If you would like to be kept up to date on this effort, please contact Casey Bowers at [cbowers@environmentalleague.org](mailto:cbowers@environmentalleague.org).

Green Budget Priorities:

Line item	Agency/Office	Green Budget Ask	FY20 Final
2200-0100	DEP	\$40,000,000	\$32,082,245*
2300-0101	DER	\$2,600,000	\$2,100,000*
2810-0100	DCR Parks and Rec	\$50,000,000	\$47,250,000*
2310-0300	NHESP	\$1,000,000	\$154,221

\* includes earmarks.

### Capital Budget

The Commonwealth Conservation Council (CCC), of which MassLand is a member, is gearing up to advocate for increased funding for land conservation, water quality protection, climate change, and municipal assistance programs in the State's FY21 Capital Plan.

### Legislation of Interest

#### Community Preservation Act (CPA)

- The final FY19 supplemental budget ~~did not~~ include surplus for CPA.

#### S.1767/H.2522, An Act relative to the conservation land tax credit (Sen. Bruce Tarr, Gloucester, and Sen. Adam Hinds, Pittsfield; Rep. Brad Jones, North Reading, and Rep. Smitty Pignatelli, Lee)

- Bill would raise the annual cap from \$2M to \$5M over three years; amend the definition of a "public or private conservation agency" that may receive donations of land; and provide a ten-year sunset.
- The bill is still being considered by the Revenue Committee. We may again pursue an amendment strategy during the FY21 operating budget debate.

**H.732/S.459, An Act protecting the natural resources of the Commonwealth** (*Sen. Jamie Eldridge, Acton; Rep. Ruth Balser, 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.
- Reported favorably from the Joint Committee on Environment, Natural Resources and Agriculture (ENRA) in April in November; referred to Senate Ways and Means.

**S.497, Resolve to protect pollinator habitat/ H.818, An Act to protect pollinator habitat** (*Sen. Jason Lewis, Winchester; Rep. Mary Keefe, Worcester*)

- Bill would establish a commission to study statewide opportunities for improving pollinator health by increasing and enhancing native habitat.
- Heard by ENRA in October; still being considered by committee.

**H.763, An Act to protect Massachusetts pollinators** (*Rep. Carolyn Dykema, Holliston*)

- Bill would prohibit the use of neonicotinoid pesticides to any person other than a certified applicator. It also requires certain notifications regarding the danger of neonicotinoids.
- Heard by ENRA in October; reported favorably in November and referred to House Ways and Means.

**H.842/S.2014, An Act to Sustain Natural and Working Lands Carbon in Communities** (*Sen. Bruce Tarr and Sen. Marc Pacheco; Rep. Sarah Peake, Provincetown, and Rep. Bradley Jones, North Reading*)

- Bill would require EEA to measure carbon stored by, and released from, natural and working lands; set a goal for increasing the size of our natural carbon sink; develop a plan to reach it with public and private lands; and establish a municipal technical assistance program.
- Heard by ENRA in May; still being considered by the Committee.

**S.2254, An Act Establishing the Office of Outdoor Recreation** (*Sen. Adam Hinds, Pittsfield*)

- Bill would establish an office of outdoor recreation for Massachusetts within the Executive Office of Energy and Environmental Affairs (EEA) for the purpose of promoting and marketing outdoor recreational activities available throughout the state, to support economic development in Massachusetts, and to improve the quality of life, health and well-being of the state’s residents
- Heard by ENRA in April; reported favorably in June and referred to the Senate Ways and Means.

**H.897, An act relative to forest protection** (*Rep. Susannah Whipps, Athol*)

- Bill would designate all DCR and DFW lands as Parks or Reserves, preserved in their natural state and no commercial activities would be permitted; no timber sold, removed or destroyed.
- Heard by ENRA in September 24; still being considered by the Committee. A group of land conservation organizations submitted joint letter of concern about this bill.

There are several **bills related to PILOT payments** that were heard by the Revenue Committee in September, and a commission to study state PILOT payments (filed by Sen. Hinds, S.1861) that was heard by the Joint Committee on State Administration & Regulatory Oversight in October. All are still being considered by their respective committees.

In November, ENRA heard a suite of bills related to **pesticides**, including some aiming to ban **glyphosate** sales or use on public lands (H.792, H.791, S.499) and one that would allow cities and towns to regulate pesticides (S.447/H.776). Several land conservation NGOs have met with ENRA staff to reiterate the importance of herbicides, including glyphosate, as a management tool of last resort.

### Adaptation Funding

#### **S.10, An Act providing for climate change adaptation infrastructure investments in the Commonwealth** *(Governor Baker)*

- Bill would increase the deeds excise rate, ultimately raising approximately \$1 billion over 10 years, to be deposited in the Global Warming Solutions Trust Fund (established in the 2018 Climate Bond) for technical and financial assistance to communities and infrastructure adaptation.
- Bill was heard by the Revenue Committee in June and it is still being considered.

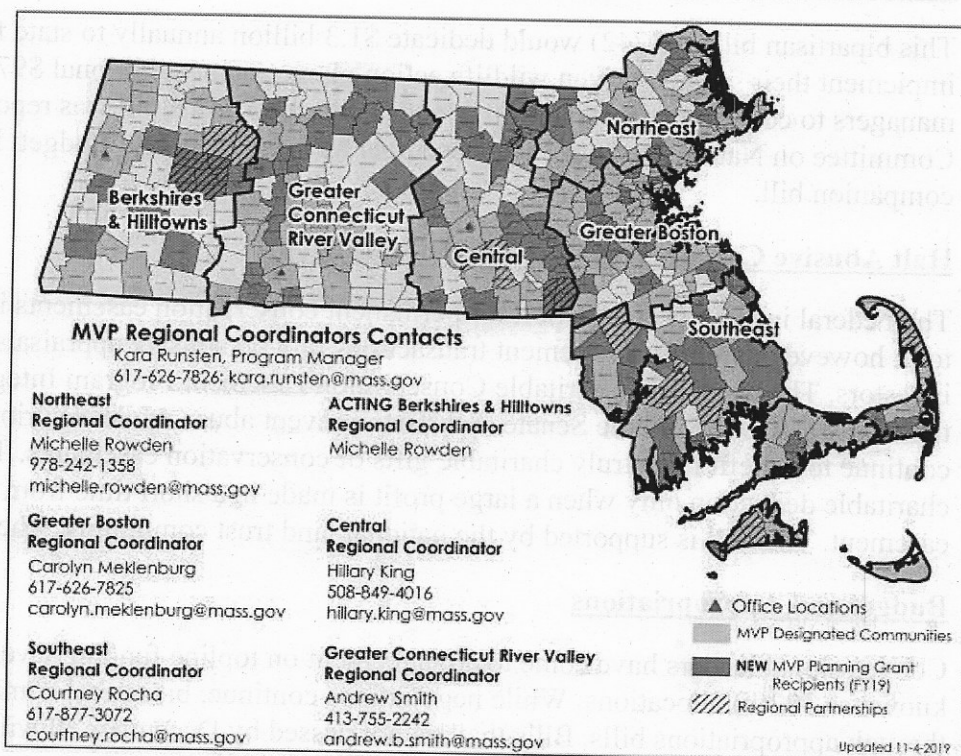
#### **H.3997, An Act Relative to Greenworks** *(House Speaker Robert DeLeo)*

- Bond bill establishing a \$1 billion, 10-year grant program – known as GreenWorks – to fund clean energy, energy efficiency, and climate change resiliency measures that cut greenhouse gas emissions, fortify infrastructure and reduce municipal costs.
- The bill has been engrossed by the House and is now in Senate Bonding.
- Adaptation advocates will continue to offer amendments related to sustainability coordinators ability to work across programs; including biosequestration; prioritizing ecosystem scale projects; allowing NGOs to be eligible for project funding; workforce development programs; increased stakeholding around EEA climate adaptation work; and more.

### Climate Change

The Executive Office of Energy and Environmental Affairs (EEA) has hired regional coordinators to support communities as they engage with **Municipal Vulnerability Preparedness Program** has now awarded over 240 municipalities with planning grants and 95 municipalities with action grants to implement priorities identified during the MVP planning process. See contact information for your regional coordinator to the right.

EEA has launched an **80x50 study** to determine how Massachusetts will reach the goal of an 80 percent reduction in greenhouse gases by the year 2050 (as required under the Global Warming Solutions Act – GWSA). The study is being done in two phases: (1) scenarios of what MA is expected to “look like” in 2050; and (2) Overlaying scenarios and policy priorities identified by four



working groups: Electricity, Transportation, Buildings and Land Use. This will include natural climate solutions (carbon stock and biosequestration) among the policies to be evaluated.

The MA Department of Energy Resources (DOER) has proposed changes to the regulations regarding the Renewable Portfolio Standard eligibility requirements for **utility-scale electricity generation and siting from solar**. Numerous organizations have provided comments on the proposal with a goal of reducing solar siting on undeveloped forest lands. There are also some legislators who are interested in a legislative fix to this problem; however, nothing has been proposed, yet. In the meantime, land trusts could consider working with towns to strengthen weak solar by-laws, potentially through the MVP program.

## ***Federal Public Policy***

### **Land and Water Conservation Fund (LWCF)**

Building on the historic successful permanent reauthorization of LWCF, bipartisan bills to permanently fully fund the program at \$900M/year have been introduced in the House (H.3195) and Senate (S.1081). The entire MA Congressional delegation have signed on as co-sponsors. Advocates are looking for opportunities to move these bills as soon as possible. Recent updates include:

- House: Rep. McGovern is currently co-leading a Dear Colleagues letter to House leadership, signed by over 150 representatives in support of swift action on LWCF.
- Senate: S.1081 was reported favorably from Senate Energy and Natural Resources Committee in November.

### **Recovering America's Wildlife Act**

This bipartisan bill (H.3742) would dedicate \$1.3 billion annually to state fish and wildlife agencies to implement their science-driven wildlife action plans, and an additional \$97.5 million to tribal wildlife managers to conserve species on tribal lands and waters. This bill was reported favorably by the House Committee on Natural Resources in December and sent to House Budget; however, there is still no Senate companion bill.

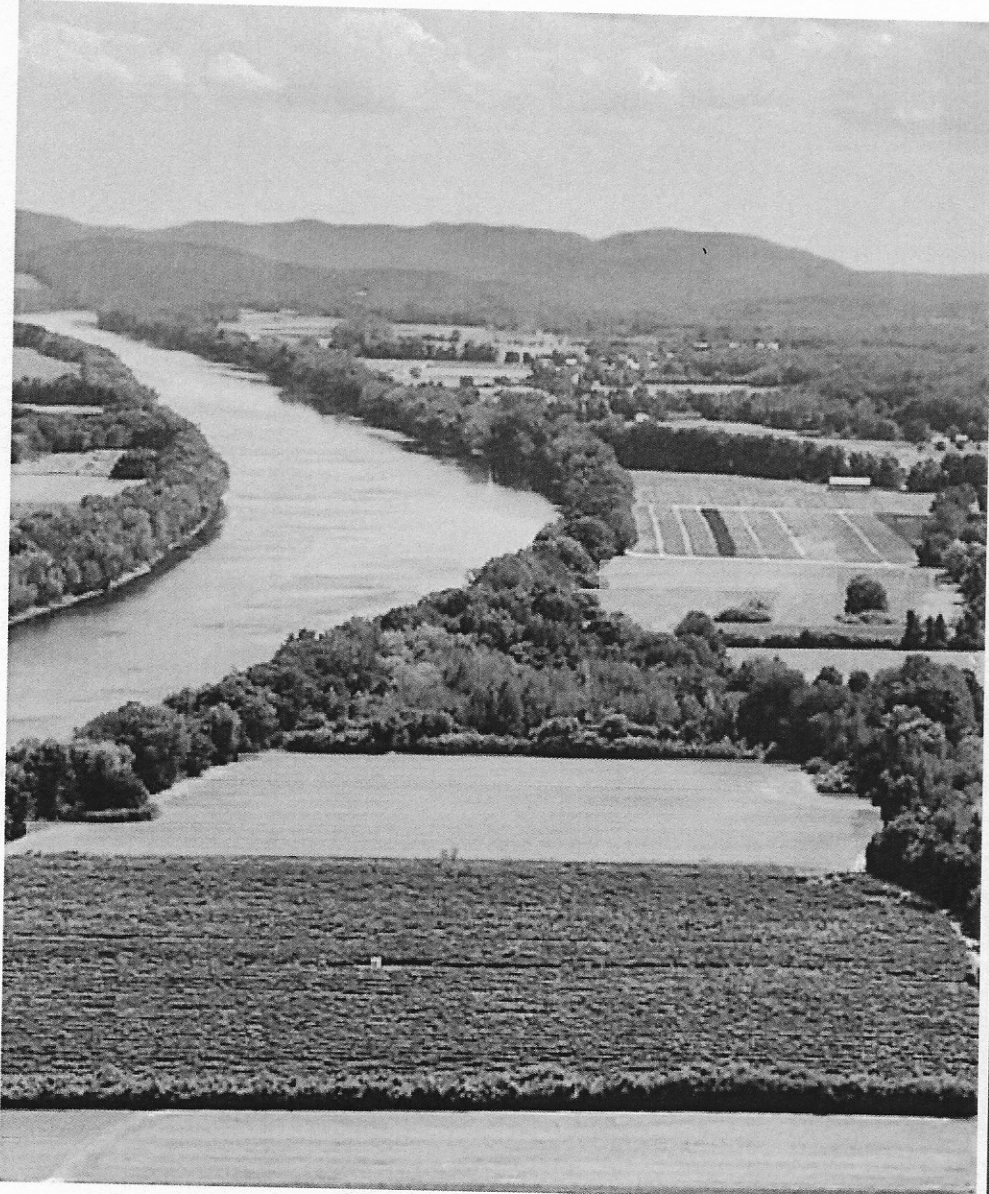
### **Halt Abusive Conservation Easement Transactions**

The Federal income tax deduction for permanent conservation easements is a crucial land conservation tool; however, syndicated easement transactions rely on abusive appraisals to provide tax benefits to investors. The bipartisan Charitable Conservation Easement Program Integrity Act has been introduced in the House (H.1992) and the Senate (S.170) to prevent abuse while ensuring that most landowners can continue to benefit from truly charitable gifts of conservation easements. This bill would disallow a charitable deduction only when a large profit is made in a short time from the donation of a conservation easement. This bill is supported by the national land trust community. There has been no recent action.

### **Budget and Appropriations**

Congressional leaders have come to an agreement on topline funding levels for all 12 appropriations bills, known as 302(b) allocations. While negotiations continue, bicameral committees are meeting to work through appropriations bills. Bills that are not passed by December 20 will likely be funded by a third short-term CR.

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Massachusetts Department of  
Agricultural Resources

**APR Program 2020**

6-8pm

**January 7**

Red Barn, Hampshire College  
893 West Street, Amherst

**January 14**

Community Harvest Farm  
37 Wheeler Road, North Grafton

**January 21**

Berkshire Athenaeum, Public Library  
1 Wendell Ave, Pittsfield

**January 28**

Bristol County Agricultural High School  
Library Rm 212, Gilbert Hall  
135 Center Street, Dighton

**January 30**

Essex North Shore  
Agricultural/Technical School  
Smith Hall Cafetorium  
565 Maple Street, Danvers

**JANUARY 2020  
LOOKING FORWARD:  
FARMLANDS FOREVER**

*Please join MDAR Commissioner John Lebeaux, APR landowners, farmers, APR staff, Agricultural Lands Preservation Committee (ALPC), Massachusetts Board of Agriculture, state officials, land trusts, and individuals engaged in Agricultural Preservation Restriction (APR) Program efforts to **preserve Massachusetts farmlands.***

*These are regional, public events to review the APR Program. They include updates on: the listening sessions in 2018-2019, policies, procedures, regulations, guidance, and efforts to improve and modernize the APR Program.*

Since 1980, the APR Program has permanently protected 932 farms and 73,368 acres in Massachusetts.

The APR program was the first in the nation and continues to protect and preserve working farms for generations to come.

For information contact  
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