

Public Policy Update

Massachusetts Land Trust Coalition (MLTC)

Conservation Partners Meeting

December 8, 2023

Healey-Driscoll Administration Updates

Forests as Climate Solutions

On December 8, EEA is expected to announce initial recommendations and actions under its [Forests as Climate Solutions initiative](#), which was launched by the Governor on June 8 as a strategy to ensure Massachusetts forests are managed in ways that advance the state's aggressive climate goals. Plans are expected to include increased investment in land conservation to prevent forest conversion, new guidelines for climate-oriented forest management on state lands, new incentives for private and municipal woodland owners to implement climate-oriented forest management, and expanded assistance to forestry and durable wood products businesses. The possibility of establishing new goals for forest reserves on public and private lands has also been mentioned.

Farmland Action Plan

On December 4, 2023, the Administration released the [Massachusetts Farmland Action Plan](#) for 2023-2050, a long-range strategic plan to address Massachusetts' farmland needs. It sets goals and priorities to significantly expand protection of remaining farmland, make more public land and marginal or abandoned land available for farming, increase technical assistance grants and farmland support programs, ensure equity criteria are applied in all land protection and technical assistance programs, and enact zoning measures that support farmland.

Climate Report Card

On December 1, 2023, EEA released its [Massachusetts Climate Report Card](#), featuring assessments of the Commonwealth's progress in meeting its climate mandates and goals to achieve net zero greenhouse gas emissions and build resilience to climate change. While Massachusetts has made progress, a strong policy response to existing and emerging challenges will be needed to meet the Commonwealth's ambitious 2030 targets. This candid look at the Commonwealth's progress to date helps provide accountability to the public, advocates, lawmakers, and the state itself and inform the adoption of new strategies to reduce emissions.

Climate Chief's Recommendations

On October 24, Climate Chief Hoffer released her [recommendations](#) for a whole-government approach to the climate crisis, with 39 recommendations regarding climate-related practices and policies of executive agencies. Recommendations focus on strategies to meet goals in the state's statutorily-mandated Clean Energy and Climate Plan, including protecting natural and working lands.

Climate Resilience Planning

On October 11, Governor Healey adopted the [2023 ResilientMass Plan](#), an updated state hazard mitigation and climate adaptation plan identifying strategies and measurable actions state agencies will take to ensure Massachusetts can withstand, recover from, adapt to, and mitigate natural hazard events. The plan includes numerous specific actions that will be tracked on the [ResilientMass Action Tracker](#).

As part of the ResilientMass Plan, on November 28 the Administration announced launch of the [ResilientCoasts Initiative](#), a strategy for addressing impacts of climate change along the Massachusetts coast. Under the leadership of a new Chief Coastal Resilience Officer at the Office of Coastal Zone Management, the aim is to identify regulatory, policy, and funding mechanisms to develop long-term solutions addressing coastal impacts of climate change.

Increased Tax Incentive for Septic System Upgrades

The tax relief law signed by Governor Healey on October 4 included a tripling of the tax credit for replacing failed septic systems or cesspools, to a new maximum of \$18,000. The increased credit reduces the burden on homeowners looking to replace failed systems, and thus protect local water and wildlife.

Energy Infrastructure Siting Commission

This fall, Governor Healey [signed an Executive Order creating the Commission on Clean Energy Infrastructure Siting and Permitting](#) (CEISP) and swore in Commission members, including representatives from TNC, Mass Audubon, and MACC. To meet the emissions limits and Net Zero goals outlined in the Clean Energy and Climate Plans, Massachusetts will need to site a significant amount of new energy infrastructure, including new solar and wind generation, storage, transmission and distribution infrastructure. The CEISP is charged with providing recommendations on legislation, regulations and policies to reform siting and permitting to rapidly deploy ‘clean’ energy generation, storage, and infrastructure to meet energy and climate goals, enhance stakeholder engagement, and avoid impacts on nature and people. The Commission is expected to have recommendations completed by March 31, 2024.

Solar Siting

On October 2, [Mass Audubon released a report](#) on solar siting, with findings that it is possible to meet Massachusetts’ clean energy goals while avoiding and minimizing impacts to important and sensitive natural and working lands. The report includes important policy recommendations necessary to meet these objectives. In July, The Department of Energy Resources released its own [Technical Potential of Solar Study](#), which used different methods for spatial analysis of lands reportedly suitable for solar facilities.

At the national level, on October 12, the Land Trust Alliance joined major solar developers, conservation and agricultural groups, environmental justice groups, and tribal entities in announcing an agreement to advance large-scale U.S. solar development while supporting land conservation and local community interests. The [Solar Uncommon Dialogue agreement](#) commits to implementing large-scale solar development in ways that recognize the role that natural and working lands play in combating climate change and protect lands already in conservation. It expresses an ambition to secure increased funding for federal and state programs that support private land conservation. Contact Zachary Sheldon (zsheldon@lta.org) for more information.

Executive Orders on Biodiversity, Plastics

On September 21, Governor Healey signed an Executive Order directing the state to create new [biodiversity conservation goals](#) for 2030, 2040 and 2050, and strategies to meet them. She also signed an Executive Order to immediately ban purchase of single-use plastic water bottles by state agencies. Read more [here](#).

2023-2024 State Legislative Priorities (updates since September 22 are in bold)

MLTC supports a limited number of legislative priorities that advance our primary strategic objectives of 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. **In the current two-year legislative session, Joint Committees are due to report on bills under their review by February 7, 2024, so MLTC and partners will be working between now and then to encourage favorable reports on our priority bills.**

Top MLTC Priorities

An Act relative to the conservation land tax credit (H.2839/S.1940, Rep. Jones and Sen. Tarr) MLTC's top legislative priority this session. 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 a panel including Robb Johnson, Tara Christian (TNC), Alain Peteroy (Franklin Land Trust) and Jessica Whritenour (The 300 Committee Land Trust) delivered live testimony. 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 over three years. The program cap would revert to \$2 million after 10 years. The bill also amends the definition of an eligible "public or private conservation agency" 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 **and Forests as Climate Solutions 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!

State Operating Budget

Under ELM's Leadership, [a broad coalition of our partners advocates for "Green Budget Priorities"](#) in the state's operating budget. Governor Healey signed the FY24 budget on August 9th. The approved budget includes significant increases to several lines of importance to the land conservation community, including DCR State Parks and Recreation, funded at \$105.6 million (\$20.6 million more than last year); Department of Environmental Protection, funded at \$52 million (\$6.6 million more than last year); EEA Climate Adaptation and Preparedness, funded at \$10 million (\$4.6 million more than last year); EEA Office of Environmental Justice, funded at \$8.8 million (\$7.4 million more than last year); Division of Ecological Restoration, funded at \$5.4 million (\$1.1 million more than last year); and the Natural Heritage and Endangered Species Program, funded at \$1.5 million (\$500,000 more than last year). The Healthy Soils Program was funded for the first time with \$1,020,000, following release of the Healthy Soils Action Plan earlier this year. **ELM will soon begin coordinating advocacy for the FY25 Green Budget.**

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.

Other Bills MLTC Supports

An Act relative to uniform partition of heirs property ([H.1744](#), Rep. Roy., SD 2816, Sen. Payano)
In October, Sen. Pavel Payano submitted a late-file Senate version of this bill, mirroring the House version. The bill was heard before the Joint Committee on the Judiciary on October 31, with multiple speakers in favor. Click [here to see testimony](#) submitted by American Farmland Trust. 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. 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 ([S.448](#), Sen. Comerford)
A hearing on this bill was held October 11 before the Joint Committee on Environment and Natural Resources. 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. **Read a [summary and bill text here](#).**

An Act to encourage solar development on buildings and disturbed land ([H.3225](#), [S.2150](#), Reps. Lindsay Sadosa & Sean Garballey/Sen. Mark)
A hearing on this bill was held June 20 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. **MLTC signed on to [joint testimony](#) submitted June 23, 2023.**

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](#). **As noted at the top of page 2 above, the Healey-Driscoll Administration launched a ResilientCoasts Initiative on November 28. As part of that initiative, MEMA will hire a consultant to conduct a statewide study (including coastal and inland lands at risk of flooding) that will hopefully meet many of the objectives of this bill. Lead advocates for this bill intend to meet with the administrative officials to emphasize the importance of recommending a pre-disaster statewide property buyout program in their report, and to ensure the study process includes the following: Meeting with stakeholders and experts; prioritizing the needs of EJ communities, low income homeowners, and tenants; ensuring recommendations encourage wetland and flood plain restoration to provide climate resilience benefits and ecosystem services, and providing a deadline for the report to be issued.**

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

A hearing on this bill was held October 11th before the Joint Committee on Environment and Natural Resources. 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. **MLTC signed onto [joint testimony submitted](#) on October 6, 2023. A fact sheet on the bill can be found [here](#).**

An Act to reimburse the George L. Darey Inland Fisheries and Game Fund (S. 499, Sen. Gobi)

A hearing on this bill was held on November 29 before the Joint Committee on Environment and Natural Resources. The effort is coordinated by The Nature Conservancy and The Trustees, and MLTC signed on to joint testimony from 12 organizations in support. 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 would create consistency and reimburse MassWildlife for the loss of revenue associated with providing both discounted (currently reimbursed) and free hunting and fishing licenses.

Land Trust Alliance Federal Policy Updates

Congress

On Nov. 15, Congress passed a continuing resolution to fund the government through mid-January. Unlike previous continuing resolutions, the current measure follows a two-tiered "laddered" approach that funds four agencies, including the U.S. Department of Agriculture, through Jan. 19 while all other federal operations will expire on Feb. 2.

The two-tiered approach was designed by Speaker Mike Johnson (R-La.) who said it would give lawmakers more time to pass and negotiate full-year appropriations bills. However, it remains to be

seen if Democrats and Republicans can put aside their differences to get this done ahead of the next deadlines.

2023 Farm Bill

The continuing resolution that was signed into law on Nov. 16 included a one-year extension of the 2018 Farm Bill that expired on Sept. 30. In announcing the extension, the leaders of the House and Senate agriculture committees noted that “this extension is in no way a substitute for passing a 5-year Farm Bill and we remain committed to working together to get it done next year.”

Committee staff continue to draft and refine Farm Bill language, which we do not expect to be released until Congress passes funding bills to fund the federal government through the end of the fiscal year.

While the delay is unfortunate it does provide Massachusetts’ land trusts with ample opportunities to connect with their legislators to ensure our [2023 Farm Bill recommendations are incorporated into the Farm Bill. We urge all land trusts to keep us updated on what you all are hearing back from your legislators.](#)

Forest Conservation Easement Program Act

A top Farm Bill priority remains establishing a Forest Conservation Easement Program (FCEP) that would ensure that private forestland remains intact and in production.

As of today, there are still no co-sponsors from Massachusetts, so we urge all Massachusetts land trusts to reach out to their elected official and urge them to co-sponsor H.R. 3424 in the House and S. 2631 in the Senate. Additional information can be found by visiting www.foresteasement.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](#).

Comment Letters

On Sept. 29, the Alliance [submitted comments](#) to the U.S. Department of Energy in response to its Noticed of Proposed Rulemaking to revise regulations for the coordination of federal authorization for proposed interstate electric transmission facilities. The Alliance urged the Department to explicitly add conservation easement holders to its definition of “affected landowners” when reviewing proposals, as well as explicitly include land trusts in its definition of “communities of interest” when requiring project proponents to create engagement plans with the public around proposed transmission project siting.

Expanded Partnership with Natural Resources Conservation Service

As previously noted, the Alliance has built a long-standing partnership with the Natural Resources Conservation Service. During the next several months, we will be hiring five new staff – one focused on the Regional Conservation Partnership Program and four focused on helping land trusts with Agricultural Land Easement Program and RCPP applications. We will continue to keep you updated as our partnership expands.