

Public Policy Update
MLTC Steering Committee Meeting
June 11, 2021
Presented by Linda Orel, Policy Director, The Trustees

An Act creating a next-generation roadmap for Massachusetts climate policy

Since the last MLTC Steering Committee meeting on March 5th, Governor Baker signed the Next-Gen Climate Policy bill into law! The law is one of the strongest in the nation setting a net zero emissions goal and requiring a transition plan to decarbonize our economy by decreasing our use of fossil fuels and harnessing nature to draw carbon from the air. It also provides a robust toolkit of policies, including requirements and incentives, while ensuring accountability by setting goals for interim carbon emissions reductions between now and 2050. The law includes precedent setting natural climate solutions language calling for the Executive Office of Energy and Environmental Affairs (EEA) to set a baseline and goal for both reducing emissions from and increasing sequestration and storage by natural and working lands. It also requires EEA to develop and implement a plan, policies, and programs to achieve those goals. The new law also includes important environmental justice provisions designed to enhance review of the health and cumulative impacts of projects proposed in communities with (newly defined) Environmental Justice Populations and to ensure that residents have reasonable access and information to meaningfully engage in the public processes concerning those projects.

State Legislation

The following bills have been selected as legislative priorities by the MLTC Policy Committee:

S.1986/H.2960, *An Act increasing the conservation land tax credit* (Sens. Tarr and Hinds; Reps. Jones and Pignatelli)

- The bill would raise the annual cap under the Conservation Land Tax Credit, the state income tax credit for donations of conservation land, from \$2 million to \$5 million - phased over three years. It would also amend the definition of a "public or private conservation agency" that may receive donations of land and provide a ten-year sunset.
- Referred to the Revenue Committee; hearing not yet scheduled.
- The same language is being advanced as an amendment to the FY22 state operating budget. The amendment was unanimously adopted by the House, but not by the Senate. This week, partners reached out to the FY22 Budget Conference Committee in hopes of its inclusion in the final state budget.

S.524/H.851, *An Act preserving open space in the Commonwealth* (Sen. Eldridge; Rep. Balser)

- Previously known as the Public Lands Protection Act (PLPA), this bill would prevent loss of constitutionally protected Article 97 lands by requiring replacement land, as well as notification to EEA prior to filing legislation to dispose of land. The legislation codifies EEA's current "no net loss" policy.
- PLPA was heard by the Environment Committee on May 18, 2021, with several members of the land trust community testifying in support. This bill received a favorite report on June 7, 2021.
- This is a recommendation of the Resilient Lands Initiative.

S.603/H.983, *An Act establishing a Massachusetts flood risk protection program* (Sen. Pacheco; Rep. Peake)

- This bill would require the state to create a new Flood Risk Protection Program (FRPP) to eliminate risk of flooding to homes and buildings by acquiring homes, small businesses, and nonprofit properties from interested owners and helping them relocate. The FRPP would cover inland and coastal properties and would

be entirely voluntary. Once property is acquired, the legislation requires the removal of structures and the permanent conservation of the land. A new climate resilient landscape would serve as a natural buffer against flooding to protect communities and natural resources.

- There is a public hearing tentatively scheduled for July 13, 2021 before the Environment Committee.

H.2977, An Act relative to the classification and taxation of urban public access land (Rep. LeBoeuf)

- This bill would add a new chapter 61C entitled, Classification and Taxation of Urban Public Access Land. The bill incentivizes the protection of urban open space by reducing the acreage of land eligible for the Chapter 61 tax program to 5,000 square feet for land that is retained as defined open space or recreational resource open to the public. It also sets out parameters for valuation and changes of use.
- This is a recommendation of the Resilient Lands Initiative.
- Referred to the Revenue Committee; hearing not yet scheduled.

S.1875/H.2831, An Act to reform payments in lieu of taxes for state-owned land (Sen. Hinds; Rep. Blais)

- This bill would change the way PILOT program payments for state-owned lands are calculated for municipalities, based on recommendations in the State Auditor's December 2020 [PILOT Report](#). The goal is to increase and equitably distribute of PILOT funds to make sure the formula no longer disadvantages smaller, rural communities.
- Referred to the Revenue Committee; hearing not yet scheduled.

S.560, An Act Establishing the Office of Outdoor Recreation (Sen. Hinds)

- This bill would create a new office focused on outdoor recreation within EEA to support, promote and market outdoor recreational activities available throughout the state. The office would coordinate with other secretariats and nonprofit and business partners, stimulate economic development, and improve the quality of life, health, and well-being of residents and visitors to the Commonwealth.
- This bill was heard by the Environment Committee on May 18, 2021, with several members of the land trust community testifying in support.

S.556/H.937, An Act providing for the public health by establishing an ecologically based mosquito management program in the Commonwealth (Sen. Hinds; Rep. Gouveia)

- This bill proposes comprehensive improvements to the way the state manages mosquitoes. It establishes a new Mosquito Management Office and new Mosquito Management Board within EEA and creates a system where pesticide use is allowed only for disease control under ecologically based management plans. It also creates streamlined notice and opt out requirements, and bans pesticides containing PFAS.
- There is a public hearing tentatively scheduled for July 13, 2021 before the Environment Committee.

FY22 Green Budget Priorities

The House and Senate both passed their version of the FY22 state operating budget, and the Budget Conference Committee was appointed and began meeting on June 8, 2021. The Green Budget Coalition convinced both the House and Senate to increase the DCR State Parks and Recreation budget to \$50 million, and the Department of Environmental Protection budget to \$40 million. In conference, the coalition is seeking:

- \$1 million for the Natural Heritage and Endangered Species Program as provided in the House Budget.
- \$3.25 million for the Division of Ecological Restoration as provided in the House Budget.
- \$160,000 for EEA to hire staff to implement the new climate law as provided in the Senate budget.

State Administration

Mosquito Control Task Force

The Mosquito Control Task Force continues to meet. A consulting firm, ERG, was hired by EEA to conduct a comprehensive study of the existing mosquito control program and associated science. A couple dozen communities filed requests to opt-out of spraying. Several expressed concerns about the burdens imposed on municipalities to prepare an alternative plan and opt-out request, with a short timeline and little support from the state. Opting in on desired state services is seen as preferable to opting out of spraying that is not wanted nor seen as necessary. The reform legislation is tentatively scheduled to be heard at an Environmental Committee hearing on July 13, along with other pesticide related bills.

Renewable Portfolio Standard Regulations

The Telecommunications and Energy Committee (TUE) filed a report with recommendations on the Phase 1 Renewable Portfolio Regulations (RPS) on May 25, 2021. See <https://malegislature.gov/Bills/192/H3708> The Department of Energy Resources filed final regulations with the TUE committee on Wednesday, May 26, 2021. See <https://www.mass.gov/service-details/rps-class-i-ii-rulemaking>. The final regulations will be sent to the Secretary of State to promulgate. The Phase 2 RPS Regulations, which include the provisions of greater concern on biomass, are still pending and it is expected that the TUE will provide a hearing on those when DOER submits them for the TUE Committee's consideration.

Clean Energy and Climate Plan

EEA received over 1,000 comments on the Interim Clean Energy and Climate Plan (CECP) for 2030 during the public comment period between January 7, 2021 and March 22, 2021. EEA has also reviewed the new climate law, which passed on March 26 and which specifies July 1, 2022 as the deadline for setting the 2025 emission limits and sublimits and includes a series of additional requirements, as well as public comments on the interim 2030 CECP. Therefore, EEA will be extending the timeline for a 2025 and the 2030 CECP to July 1, 2022. As part of the process, EEA will offer additional opportunities for engagement with stakeholders and members of the public throughout the next year.

Federal Policy

President's Budget Released

On May 28, 2021, the White House released the [President's Budget](#). Overall, there are increases for many conservation and restoration programs, and it includes mandatory funding for the Land Water and Conservation Fund at \$900 million (with \$5 million going to projects in the Silvio O. Conte National Fish and Wildlife Refuge).

Infrastructure/Climate Stimulus Package

Broadly, there is a thread of all-encompassing infrastructure legislation as a stimulus measure. There is much debate between the parties as to what can be defined as infrastructure, how to pay for such a large measure, and how to move such legislation. One of the first pieces of legislation to start moving is a Surface Transportation Bill in both the House and the Senate, which are like bills proposed last session.

America the Beautiful

On May 6, 2021, the Biden Administration released their ["America the Beautiful" Report](#) (formally 30x30). The report calls for a decade-long effort to support locally led and voluntary conservation and restoration efforts across public, private, and Tribal lands and waters in order to create jobs and strengthen the economy's foundation; tackle the climate and nature crises; and address inequitable access to the outdoors. See the [report](#) or this [DOI press release](#) for more information.