

Public Policy Update
Emily Myron, The Nature Conservancy
MLTC Steering Committee Meeting – June 19, 2020

Great News!!

Just this week (Wednesday, June 16), the Senate passed the **Great American Outdoors Act (GAOA) 73-25!** This bill includes both **full funding for LWCF and funds to address the maintenance backlog on public lands**. Both Senators Warren and Markey were in support. This is a historic victory!

A companion bill has been introduced in the House (HR.7092). Reps. Kennedy and Trahan have signed on; please reach out and encourage their support for the passage of GAOA on the floor ASAP and with NO amendments.

Massachusetts Public Policy

Operating Budget

The Green Budget Coalition has been meeting with policymakers about priorities for the Fiscal Year 2021 State Operating Budget process. However, due to the significant reductions in state revenue expected, the Coalition has shifted its strategy to clearly connecting the environmental agencies to the economy and to advocating against disproportionate cuts to these agencies (as happened after the 2008 recession). Timing for a state budget still remains unclear and may take one of a number of forms, including a full budget, a 1/12th budget, or a budget without, or with limited, earmarks.

Capital Budget

The FY21 Capital Plan was released by EEA this week. The Commonwealth Conservation Council (of which MLTC is a member) advocated for several line items in this plan, including:

- Competitive Grants to Municipalities (LAND, PARC and Gateway Cities) – maintained at \$18M
- Agency Land Protection Programs for DAR, DCR, and DFG – maintained at \$11M
- **Implementation of State Hazard Mitigation and Climate Change Adaptation Plan – increased to \$1.85M (\$1M in FY20)**
- Municipal Vulnerability Preparedness Program Planning and Action - maintained at \$11M
- River Revitalization and Riverine Habitat Restoration - maintained at \$2M
- MassTrails - maintained at \$2.5M
- **Cranberry Bog Program (new line item added within the Division of Ecological Restoration) - \$1M**
- **Greening the Gateway Cities – increased to \$3.25 (\$1M in FY20)**

Legislation of Interest

Note: given the pandemic response, recovery efforts, the budget and police reform, very little other legislation is likely to move this session. Leadership in both chambers have said that climate remains a top priority, so we are hopeful there is still opportunity for this session.

Conservation and Management Policy:

S.2757, An Act to mitigate arbovirus in the Commonwealth (Governor Baker)

- This bill would allow the Department of Public Health to make decisions for mosquito control methods (preventative management and eradication) if they think there will be a threat of EEE in the current or following year. Private landowners and municipalities may opt out of DPH's control measures; however, that could be overturned if the situation is a public health emergency. It also creates a mosquito control task force to review and recommend reforms to how the state manages mosquito control.

- A group of environmental organizations have been working to limit the scope of authority for the state to utilize aggressive eradication methods that could be harmful to the environment and public health.
- Passed by the Senate and under consideration by House Ways and Means. This bill is expected to move quickly – contact Heidi Ricci at Mass Audubon if you want to learn more or get involved.

H.4465, 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*)

- This 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.
- Under consideration by House Ways and Means.
- Exploring the opportunity to advance this as a budget amendment, if possible and appropriate.

S.459, An Act protecting the natural resources of the Commonwealth (*Sen. Jamie Eldridge, Acton; Rep. Ruth Balser, Newton*)

- This bill is also known as the "No net loss" bill and the "Public Lands Protection Act" (PLPA). The 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. The legislation codifies the state's "no net loss" policy.
- Under consideration by Senate Ways and Means.

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.
- Under consideration by House Ways and Means.

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
- Under consideration by Senate Ways and Means.

H.4415, An act relative to forest protection (*Rep. Susannah Whipps, Athol*)

- This bill has been redrafted (and merged with several other bills) to establish a commission that would investigate "the extent and adequacy of the management of state-owned and privately-owned forest land in the commonwealth, the study of the ecological soundness of different approaches to timber cutting, and policies as they relate to climate change, the role of biomass as a renewable or alternative energy source, the economic impact of the forestry industry, and chapter 132 of the General Laws, known as the forest cutting law."
- Under consideration by House Ways and Means.

PILOT payments. Several bills were filed this session. Two were reported out of committee, but there has been no movement since:

- A commission to study state PILOT payments (filed by Sen. Hinds, S.1861)
- A special commission to create a PILOT program to fairly compensate cities and towns with significant amounts of non-taxable property (filed by Rep. Whipps, H.2658)

Pesticides. Several bills were filed this session. Two were reported out of committee, but there has been no movement since:

- H.4413 would require any user of glyphosate to hold a general use permit in order to purchase and use a product containing glyphosate.
- S.499 would restrict the use of products containing glyphosate on state owned lands, unless the person using the product is a licensed applicator.

Climate Policy:

H.3983, An Act to create a 2050 roadmap to a clean and thriving commonwealth (Rep. Joan Meschino, Hull)

- Bill would establish a net zero goal for emissions reductions, set interim emissions targets, and require a regularly updated 'roadmap' plan, as well as advance other emissions reductions efforts.
- TNC and The Trustees are exploring the opportunity to amend this bill with natural climate solutions language, similar to An Act to Sustain Natural and Working Lands Carbon in Communities and the language in the Senate's Next Gen Climate bill (below).
- Under consideration by House Ways and Means

S.2500, An Act setting next-generation climate policy (Sponsored by Senate Ways and Means)

- Bill would create a net-zero greenhouse gas emissions standards by 2050, with 5 year incrementally stringent standards between 2020 and 2050, officially includes carbon on natural and working lands, as well as advance other emissions reductions efforts.
- Passed by the Senate in February and now under consideration by House Ways and Means.

Adaptation/Mitigation Funding:

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

- GreenWorks would establish a \$1 billion, 10-year bond program to provide grants and loans to communities to enhance climate change mitigation and adaptation investments in infrastructure, projects and resources. The GreenWorks bill passed the House in 2019.
- The bill is being considered by Senate Bonding.

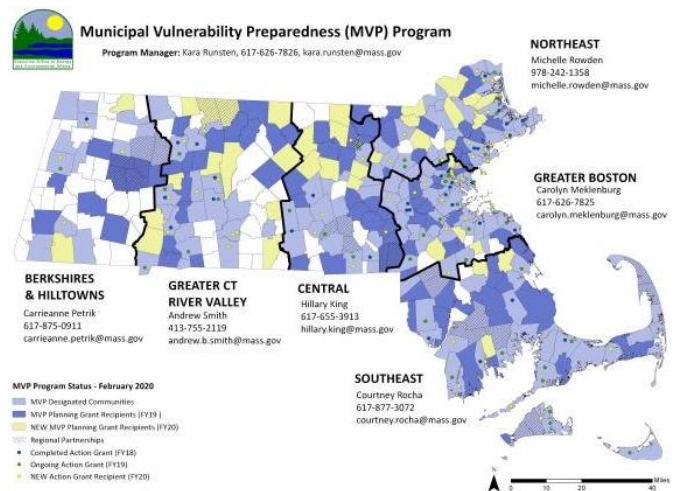
S.10, An Act providing for climate change adaptation infrastructure investments in the Commonwealth (*Governor Baker*)

- Bill would increase the deeds excise rate, ultimately raising approximately \$1 billion over 10 years for technical and financial assistance to communities and infrastructure adaptation.
- Sent to study.

Climate Change

82% of MA communities are now participating in the **Municipal Vulnerability Preparedness Program**. MVP Planning Grants are currently **OPEN on a rolling basis until August 7, 2020 at 4pm** (or until all funding has been allocated).

The most recent Action Grant solicitation closed on June 18th and includes funding for *Nature-based Solutions for Ecological and Public Health*, which includes protecting, restoring, or managing an ecological system to safeguard public health and clean water, increase natural hazard resilience, and/or sequester carbon.



On Earth Day, the MA Executive Office of Energy and Environmental Affairs (EEA) released a formal determination letter establishing a **net zero greenhouse gas emissions limit for 2050**. Net zero emissions is defined as “A level of statewide greenhouse gas emissions that is equal in quantity to the amount of carbon dioxide or its equivalent that is removed from the atmosphere and stored annually by, or attributable to, the Commonwealth...” The letter sets an emissions goal of at least 85% below the 1990 level and notes that 85% emissions reductions and complementary negative emissions by or attributable to the Commonwealth “are technically feasible using existing technologies including the protection and enhancement of natural sequestration resources in the Commonwealth and regionally.” Later this year, the Commonwealth will release: 1) a 2050 Decarbonization Roadmap outlining pathways to achieve the emissions limit; and 2) the Clean Energy and Climate Plan (CECP), which sets state goals and programs to achieve Net Zero.

Massachusetts DOER is carrying out a 1600 MW **review of the Solar Massachusetts Renewable Target (SMART) Program**. As a result of pressure from the conservation/land trust community DOER included protection of BioMap2 areas, including Core Habitat and Critical Natural Landscapes, in its revised land-use siting guidelines for the **SMART Emergency Regulations**. However, large-scale solar developers and some sectors of the agriculture and forestry community are pushing back. MLTC and others submitted comments supporting the prohibition of solar development within BioMap2 areas during the public comment period. Organizations also requested that the Greenfield subcontractor be increased and that public solar projects must comply with BioMap2 for solar siting. Final regulations should be released in July. Please contact Kristen Sykes for more information.

Federal Public Policy

Stimulus Efforts

Congress has passed several COVID recovery bills and may soon turn toward stimulus bills. Many environmental NGOs have sent letters to members of Congress outlining recommendations for investments in conservation and restoration of lands and waters known to yield economic stimulus. Although the timing for an economic stimulus package is unknown, we want to ensure that natural resources are included, as appropriate.

Transportation

Two weeks ago, the House put out a surface transportation bill, the INVEST in America Act. The bill contains robust enabling of natural infrastructure and resilience investments and policies related to climate mitigation. It was marked up yesterday and is on its way to the House floor.

There has been no recent movement on the **Recovering America’s Wildlife Act (HR.3742)** or the **Charitable Conservation Easement Program Integrity Act (H.1992 and S.170)**.