

Public Policy Update

Massachusetts Land Trust Coalition (MLTC)

Conservation Partners Meeting

September 22, 2023

Healey Administration Updates

New Executive Orders on Biodiversity, Plastics

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

Forests as Climate Solutions Initiative

On June 7th, the Administration announced a new [Climate-Focused Forestry Initiative](#) to ensure Massachusetts' forests are managed to optimize carbon sequestration and mitigate climate harms as part of meeting the state's aggressive climate goals. There are three working groups tackling major issues of engagement, which include: Development of Climate-Oriented Forest Management Guidelines; Provision of Landowner Incentives and Business Assistance; and Conservation of Forest Land and Expansion of Forest Reserves. The working groups have begun to gather public input, which more information on the webpage linked above.

Director of Massachusetts Office of Outdoor Recreation Named

Paul Jahnige was recently named as Director of the Massachusetts Office of Outdoor Recreation (MOOR). EEA established the Office in December 2022 to elevate and enhance outdoor recreational opportunities throughout Massachusetts and the associated benefits to our economy, health, environment, and quality of life. Paul will work with state agencies, including the Department of Fish and Game, the Department of Conservation and Recreation (DCR), the Massachusetts Marketing Partnership, and the Massachusetts Office of Travel and Tourism. He starts on September 25th. Paul comes from DCR, where he served as the Greenways and Trails Program Director. He has twenty-five years' experience in environmental restoration and community development, and a Masters in Environmental Studies from Yale. [Read more](#).

Solar Siting Study Released

In July, the Department of Energy Resources released a report on its [Technical Potential of Solar Study](#). The final report and Story Map can be found on the Department's website. The Story Map is a web-based spatial data viewer that allows users to explore solar potential and suitability of individual parcels in the state. which includes a screening-level geospatial analysis of suitable sites for siting photovoltaic energy facilities. Advocates have noted some errors where protected lands were indicated as suitable for solar facilities, though it is unclear whether the extent of those errors would alter the studies overall conclusion that suitable sites are available to meet the Commonwealth's current clean energy goals.

On October 2nd, Mass Audubon is releasing its own independent study on solar siting that will include policy recommendations designed to deploy solar to meet our decarbonization goals and to avoid and minimize impacts to important and sensitive natural resources.

2023-2024 State Legislative Priorities

NOTE: New information since last update is indicated in bold

MLTC's Policy Committee has agreed to support a limited list of priorities this session in order to maximize impact of our resources. As the session progresses, the Committee will monitor other bills relevant to our primary strategic objectives (increasing state investment in land conservation and the work of land trusts, and maximizing the integrity and natural resource value of both protected and unprotected lands of significant conservation value) and take action accordingly.

Top MLTC Priorities

An Act relative to the conservation land tax credit ([H.2839/S.1940](#))

This bill is MLTC's top legislative priority this year. Attempts to have provisions of the bill attached as an amendment to the FY24 state operating budget this spring were not successful. 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 MLTC coordinated live testimony from a panel including Robb Johnson, Tara Christian (TNC), Alain Peteroy (Franklin Land Trust) and Jessica Whritenour (The 300 Committee Land Trust). 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 bills also amends the definition of a "public or private conservation agency" that may receive donations of land 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. 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!

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. **In anticipation of that, MLTC is working with a coalition of partners, convened by Linda Orel at The Trustees, who are identifying the priorities we would like to support for inclusion.**

State Operating Budget

Governor Healy signed the [fiscal year 2024 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); Climate Adaptation and Preparedness, funded at \$10 million (\$4.6 million more than last year); 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.

Other Bills MLTC Supports

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

A hearing on this bill is set for October 11. The Trustees and Charles River Watershed Coalition are coordinating a panel to testify. Organizations are invited to endorse the bill via this [Endorsement form](#). 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. [Fact sheet](#).

An Act relative to uniform partition of heirs property ([H.1744](#), Rep. Roy.)

This bill has been assigned to the Joint Committee on the Judiciary. **As of September 21th, no hearing date has been set.** 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 their 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 ([SD.2261](#), Sen. Comerford)

This bill has been assigned to the Joint Committee on Environment and Natural Resources. **As of September 21th, no hearing date has been set.** 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.

An Act to encourage solar development on buildings and disturbed land ([H3225](#), [S2150](#), Reps. Lindsay Sabadosa & Sean Garballey/Sen. Mark)

A hearing on this bill was held on June 20 before the Joint Committee on Telecommunications, Utilities and Energy, with testimony submitted by a number of organizations. 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.

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](#).

Land Trust Alliance Federal Policy Updates

Massachusetts Land Trust Coalition Conservation Partners Meeting

Friday, September 22

Congress

Congress returned from August recess and is focused on funding the federal government for Fiscal Year 2024 which starts on October 1. The Senate is moving appropriations bills through committee, but things are much slower in the House. Congress will need to pass a continuing resolution (CR) to keep the federal government open beyond September 30, 2023. There is a lot of concern in DC about the potential of a government shutdown and the Alliance will keep an eye on it and keep our members posted.

2023 Farm Bill

As 2023 Farm Bill negotiations continue to ramp up, the Alliance has spent much of the summer working with partners to get the land conservation community on the same page regarding the Agricultural Conservation Easement Program and the Regional Conservation Partnership Program.

At this time, we do not expect the House and Senate Agriculture Committees to release draft language until at least late September or early October with legislation potentially hitting the House floor in November. It is really important that your delegation continues to hear from Massachusetts' land trusts about incorporating our [2023 Farm Bill recommendations](#) into the Farm Bill. Please also keep us updated on what you all are hearing regarding timing and priorities. What we have heard from staff is our success with the 2018 Farm Bill was due in part to our community speaking with one voice which will once again be critical as we head into the next phase of negotiations.

One of the big questions about the 2023 Farm Bill is how Congress handles the unspent funding from the Inflation Reduction Act – as a reminder the IRA included nearly \$20 billion for Farm Bill conservation programs and included climate sideboards. Since it is expected to be a flat year for funding the Farm Bill and members of Congress have priorities they would like to see get additional funding. Senate Agriculture Committee Chair, Debbie Stabenow (D-MI) issued a press release on September 14 making it clear she will oppose any attempt to incorporate the IRA Farm Bill conservation program funding into

any other of the title and without the climate sideboards. It will likely take some time to reach agreement, but we are hopeful the funding ends up in the conservation title of the 2023 Farm Bill.

Forest Conservation Easement Program Act

One of our top Farm Bill priorities is establishing a Forest Conservation Easement Program (FCEP) that would ensure that private forestland remains intact and in production. Fortunately, legislation introduced earlier this year would do just that ensuring that forests can remain as forests. The Forest Conservation Easement Program Act was introduced in the House in May by Reps. Annie Kuster (D-NH) and Trent Kelly (R-MS). Similar legislation has also been introduced in the Senate by Sens. Kirstin Gillibrand (D-NY) and Roger Wicker (R-MS). FCEP would provide an effective means of keeping forests as forests through the use of conservation easements that purchase development rights from willing private and tribal landowners to prevent conversion to non-forest uses.

As of today, there are no co-sponsors from Massachusetts, so we urge all Massachusetts land trusts to reach out to their elected officials and urge them to co-sponsor H.R. 3424 in the House and S. 2631 in the Senate. Additional information about the legislation can also be obtained by visiting www.foresteasement.org.

Farmland Access Act

We are also supporting the Farmland Access Act (S. 2507) which is a marker bill introduced by Sens. Angus King (I-ME) and Peter Welch (D-VT) that would clarify the statute to make “buy-protect-sell” transactions more efficient. Currently, neither Sens. Warren nor Markey are signed on as co-sponsors of the legislation. It is our hope that both this legislation and the Forest Conservation Easement Program Act can be incorporated into the 2023 Farm Bill.

Current Federal Funding Opportunities

The Alliance pulled together a list of current funding federal funding opportunities. A copy of those opportunities are attached. Going forward we will be putting this information on our website and keeping it current for members to review at their convenience.

Comment Letters

Over the last several months, the Alliance has submitted comments to several federal agencies on various topics.

National Interest Electric Transmission Corridors

In June, the Alliance [submitted comments](#) to the Department of Energy in response to its request for input on the designation of National Interest Electric Transmission Corridors. Our comments focused on the need to provide explicit protections for conserved lands, route specific applications only, incentives for minimizing the land use footprint of transmission corridors and application materials that include title work and evidence of genuine community engagement in the NIETC designation process.

Solar Energy Guidance

In July, the Alliance [submitted comments](#) to the Department of Energy and Department of Interior regarding the development of solar energy guidance. The comments were a follow-up to March comments that noted the need to ensure that national solar siting guidelines be developed in a transparent manner.

Rights-of-Way, Leasing and Operations for Renewable Energy

In August, the Alliance [submitted comments](#) to the Bureau of Land Management in response to their Notice of Proposed Rulemaking. The Alliance encouraged BLM to incentivize the development of renewable projects in priority areas and to consider access to transmission capacity and infrastructure, as well as building on already disturbed or degraded lands, when identifying priority areas and incentives. We also encouraged including important aquatic and terrestrial habitats, connectivity areas and migration habitats as screening criteria for identifying low-priority applications.

Land Trust Alliance 2024 Policy Agenda

On September 9, the Alliance convened its annual policy breakfast at Rally: The National Land Conservation Conference in Portland, Oregon. During the event, members of the Alliance's Government Relations team provided updates on key federal policy priorities and listened to input from our members on what issues they would like to see be included in the Alliance's 2024 policy agenda.

Later this fall, the Alliance will also convene a virtual policy discussion for those who were unable to attend the breakfast or would like to provide further feedback to the Alliance. This will provide an additional opportunity for members to weigh in on the Alliance's policy agenda for next year. Stay tuned for an invitation to join this call in the coming weeks.

Expanded Partnership with Natural Resources Conservation Service

Over the last several years, the Alliance has built a long-standing partnership with the Natural Resources Conservation Service. This includes developing tools, training and resources for our member land trusts. We're now pleased to share that our partnership is expanding and will soon include several new staff who will provide technical assistance and direct support to land trusts applying for conservation easement programs. Additional details will be released in the coming months.