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The Honorable Antonio F. D. Cabral, Chairman  
House Committee on Bonding, Capital Expenditures and State Assets  
24 Beacon Street, Room 466  
Boston, MA 02133

Re: H.4438, *An Act promoting climate change adaptation, environmental and natural resource protection, and investment in recreational assets and opportunity.*

Dear Chairman Cabral:

Thank you for the opportunity to provide comments on H.4338, the “Environmental Bond” bill. The Commonwealth Conservation Council (CCC) is a statewide coalition comprised of land and water conservation organizations, land trusts, farmers, and foresters representing more than 400,000 families committed to natural resource preservation in Massachusetts.

Capital investments in our air, land, water and food are critical to our quality of life, future generations, and our economy:

- **Natural Goods and Services:** For every \$1 invested in land conservation, \$4 in natural resource goods and services is returned to the Massachusetts economy. These services benefit municipalities and include water quality protection, flood control, air pollution removal, carbon sequestration and stormwater management.
- **Forestry and Forest Products:** The annual Gross State Output of Massachusetts’s forest products industry totals nearly \$3 billion while the forest-based recreation economy generates approximately \$2.2 billion annually.
- **Agriculture:** The average acre of Massachusetts farmland produces \$26,000 in total annual output - every forested acre that drains to a public water supply source filters 543,000 gallons of drinking water per year with an annual value of \$2,500.
- **Leverage:** State investments bring in federal, local and private matching funds for conservation purposes. For every \$1 the state invests, nearly an additional \$2 is leveraged from other sources.
- **Outdoor Recreation Economy:** Over \$16 billion is spent on outdoor recreation in Mass, supporting 120,000 direct jobs, and nearly \$1 billion in state and local revenue each year.

ORGANIZATIONS

- American Farmland Trust
- Appalachian Mountain Club
- Environmental League of Mass
- Mass Asso of Conservation Commissions
- Mass Audubon
- Mass. Forest Alliance
- Mass Land Trust Coalition
- Mass Rivers Alliance
- Sierra Club
- The Nature Conservancy
- The Trust for Public Land
- The Trustees of Reservations

We look forward to working with you and members of the Bonding Committee to restore, increase and retain funding for the CCC's top priorities in the Environmental Bond, and respectfully submit the following recommendations:

*Executive Office of Energy and Environmental Affairs - Office of the Secretary*

**2000-7072 & 2000-7075. Consolidation of Bond Funds**

**Proposal: Break out grant programs into former separated line items**

The CCC has concerns regarding the structure of the bond, and the lack of new authorization for existing accounts.

Previous environmental bond bills passed by the legislature in 2002, 2008 and 2013 re-authorized capital accounts individually, under the Office of the Secretary or the agency charged with administering specific programs. H.4338 as written does not describe several critical individual capital accounts; rather, previous bond authorizations are carried forward by reauthorizing individual existing accounts by number only in Section 100. For example, in accordance with state statute, the Agricultural Preservation Restriction (APR) program is administered by the Massachusetts Department of Agricultural Resources (MDAR), but is funded in H.4338 under the Office of the Secretary of Energy and Environmental Affairs (EEA) line item, rather than MDAR.

This approach raises concerns among our coalition about whether critical grant funding programs have sufficient funding authorization. We have compared past spending with remaining authorization and made recommendations to increase authorization for individual accounts that are priorities to our coalition (see below).

Also, we are concerned that the H.4338 preferentially grants a large proportion of the new funding authorization to EEA (Sections 2000-7072, 2000-7075). This approach skews the decision-making dynamics of land protection, water conservation, recreation and wildlife management away from individual state agencies statutorily charged with administering these funds - which should continue to be managed at the discretion of individual agencies informed by staff expertise and knowledge. It is reasonable for EEA to manage some aspects of these activities, therefore, we have not recommended striking these sections altogether.

The CCC requests that specific grant programs be broken out into individual line items within the applicable agency or office (see below). Separate line items provide transparency for legislators and stakeholders, including landowners, farmers, foresters, land trusts, foundations, cities, towns, federal agencies and others, who rely on agency experts to administer specific grant programs, and who work to leverage federal, local and private dollars to maximize the value of specific programmatic investments. Our recommended approach would enable stakeholders and legislators to hold each administration accountable for current and future spending decisions, as those accounts can be monitored over time, and will allow legislative earmarks to be made to the appropriate program.

**2000-7029. Conservation Innovation Grants**

Conservation districts are non-profit entities comprised of locally elected boards dedicated to the conservation of natural resources within a region or area, that work cooperatively with municipal, state and federal agencies to preserve and protect natural resources at the local level by promoting best management land practices. Work conducted by conservation districts includes conservation planning assistance on public and private property, soil survey reports, conservation tree seedling sales, training workshops, sediment and erosion control technical assistance, and conservation education programs.

The CCC recommends this line item be listed individually under the Office of the Secretary of EEA and requests **\$2 million** in additional authorization for this program.

**2000-7051. Smart Growth Planning**

Smart growth is development that protects natural resources, enhances quality of life, offers housing choices, reduces energy consumption, and improves municipal finances by considering the location, design and long-term costs of development. The state's Smart Growth Toolkit provide communities the tools to work with the Commonwealth to use the remaining land as efficiently as possible while building smart growth/smart energy techniques

The CCC recommends this line item be listed individually under the Office of the Secretary and requests **\$10 million** in additional authorization for this program.

**2000-7052. Forest Vision Plan**

With the majority of forestland in the Commonwealth in private hands, funds to assist landowners with protecting the ecological integrity of those lands is crucial to ongoing efforts to protect wildlife habitat, water quality, fight invasive species, and maintain a sustainable forest economy.

The CCC requests **\$5 million** be authorized for this program.

**2000-7054. Parkland Acquisition and Renovation for Communities grant program**

The highly successful Parkland Acquisition and Renovation for Communities program (PARC, formerly Urban Self-Help) provides significant incentive for communities to invest in land acquisition and park creation and improvements. It is similar to the LAND grant program but focuses on urban and suburban parks and outdoor recreational opportunities.

The CCC recommends this line item be listed individually under the Office of the Secretary of EEA and granted additional **\$10 million** in authorization.

**2000-7077. Support Ten Minute Walk to Parks in Cities**

Massachusetts has the fourth lowest income and wealth inequality nationally, and over \$750 million in ignored park facilities. More than 600,000 people in our largest cities do not have access to parks or open space, and as a result may suffer up to 40 percent worse mental and physical health outcomes. The CCC supports urban plans and state investments that work toward ensuring that every resident is within a 10-minute walk of a park or open space in the neighborhoods that need it most. Please visit [www.10minutewalk.org](http://www.10minutewalk.org).

The CCC recommends this line item be specifically mentioned as a criteria for park funding in 2000-7077 under the Office of the Secretary of EEA.

**2000-7055. Integrated Energy and Environmental Projects**

Integrated energy and environmental projects provide for appropriate conservation, protection, restoration, management, and best use of air, energy, water and land resources.

The CCC recommends this line item be listed individually under the Office of the Secretary of EEA and granted an additional **\$20,000,000** in authorization.

**2000-7056. Conservation Partnership Grants**

Conservation Partnership Grants assist nonprofit organizations in acquiring interests in lands suitable for conservation or recreation purposes, and have successfully preserved nearly 3,000 acres of open space throughout the state.

The CCC recommends this line item be listed individually under the Office of the Secretary of EEA and granted an additional **\$5 million** in authorization.

**2000-7066. Local Acquisition for Natural Diversity grant program**

The Local Acquisition for Natural Diversity Program (LAND, formerly Self-Help) offers competitive grants to incentivize and assist municipalities in acquiring land for natural resources protection and for passive outdoor recreation purposes. Land acquired includes forests, fields and wetlands, and may include unique natural, historic, or cultural resources, and farmland. Public access is required, and activities such as hiking, fishing and hunting are encouraged. The LAND program has only \$12 million left from all previous authorizations (2002, 2008, 2013), which may only last for one or two years.

The CCC recommends this line item be listed individually under the Office of the Secretary of EEA and be granted an additional **\$25 million** in authorization.

**2000-7060. Coastal Buy-Back Program**

Houses built on Massachusetts' fragile and vulnerable beaches, banks and dunes face the prospect of stronger and more frequent storms, erosion and property loss as a result of rapid climate change and accelerated sea level rise. This new program (authorized in the previous bond but never funded) would allow for willing owners to sell their property to the Commonwealth if their homes have been repeatedly and substantially damaged due to such storms, and if their homes are located in a sensitive wetland resource area as defined by the Massachusetts Wetlands Protection Act. The Commonwealth would in turn preserve property and make it available for conservation and public recreational access.

The CCC recommends this line item be granted **\$20 million** in new authorization.

**2000-7061. Forestry and Tree Planting and Restoration**

This highly successful program was initiated in the 2013 bond bill. EEA assists cities and nonprofit organizations in planting trees on public and private land, which has been shown to result in significant energy savings. For example, increasing mature tree canopy cover in urban residential neighborhoods by 20 percent can reduce household cooling expenses by 50 percent, and heating energy use by 30 percent. New authorization would enable trees to be planted in neighborhoods where the oldest, least insulated homes exist. The objective of this program is to increase canopy cover where needed by 20 percent, which would benefit up to one million households, result in a two million ton decrease of carbon dioxide yearly, and provide statewide, annual household energy savings of approximately \$640 million.

The CCC recommends this line item be listed individually under the Office of the Secretary of EEA and recommends an additional **\$25 million** in authorization for this program.

**Hazard Mitigation and Climate Change**

Since Governor Baker issued E.O. 569, EEA and the Executive Office of Public Safety and Security (EOPSS; Massachusetts Emergency Management Agency) have been working to develop a fully integrated, innovative, and actionable State Hazard Mitigation and Climate Adaptation Plan. The practices of hazard mitigation and climate adaptation planning have much in common. Both outline long-term actions that deal with the built and natural environment to reduce harm from hazards and both are underpinned by vulnerability and risk assessments. Further, both planning frameworks span multiple sectors, involve numerous stakeholders, and are best considered holistically. Delivering one plan that meets the goals of each is a strategic opportunity to leverage resources, address existing and future hazards and challenges across the state, and foster a strong partnership between EEA, EOPSS, and other

offices across state government. Finally, Hazard Mitigation Plans are a known entity and are implemented statewide and through local Hazard Mitigation Plans in cities and towns. Combining plans will immediately make the Climate Adaptation Plan useful and relevant, frame the issue as cross-sectoral, and introduce this new challenge through an established planning vehicle. This will be the first time any state in the nation has implemented this approach.

The CCC recommends this line item be inserted under the Office of the Secretary of EEA and that \$50 million be authorized for this purpose.

### *Department of Fish and Game*

#### **2300-7020. Department of Fish and Game Land Acquisition**

As the state agency charged with conservation of all plant and animal species in the Commonwealth of Massachusetts, the Department of Fish and Game works in partnership with its Division of Fisheries and Wildlife to identify and protect the most ecologically important fish and wildlife habitats throughout Massachusetts.

The CCC recommends this line item be listed individually under the Department of Fish and Game and be granted **\$10 million** in additional authorization.

#### **2300-7022 Division of Ecological Restoration**

The Division of Ecological Restoration restores and protects our rivers, wetlands and watersheds for the benefit of people and the environment. The Division's staff works closely with municipalities, agencies and non-governmental organizations to coordinate projects such as dam removals, culvert replacements, water conservation, water quality improvement and urban river revitalizations.

The CCC recommends this line item be granted an additional **\$24 million**.

#### **2300-7023, Rare and Endangered Plant and Animal Species**

The Natural Heritage Rare and Endangered Species Program has received national recognition for its work conserving and protecting hundreds of species, as well as the protection of the natural communities that make up their habitats.

The CCC recommends this line item be listed individually under the Department of Fish and Game and be granted **\$2 million** in additional authorization.

#### **2300-7024, Habitat Management**

The Department of Fish and Game actively manages a variety of habitats across the state, and provides technical and financial assistance to private landowners to restore declining species and their habitats as identified in the Comprehensive Wildlife Conservation Strategy. This funding also provides partnership grants to a variety of entities to carry out restoration, management, monitoring services.

The CCC recommends this line item be listed individually under the Department of Fish and Game and be granted **\$2 million** in additional authorization.

### *Department of Agricultural Resources*

#### **2500-7011, Agricultural Preservation Restriction Program**

The Agricultural Preservation Restriction program (APR) preserves and protects agricultural land, including designated farmland soils, which are a finite natural resource, from being built upon for non-agricultural purposes or used for any activity detrimental to agriculture. It is a voluntary program which offers a non-development alternative to farmers and other owners of “prime” and “state important” agricultural land who are faced with a decision regarding future use and disposition of their farms.

The APR program has enrolled 887 farm properties and protected 71,268 acres of farmland. The APR program is able to leverage federal funds using state capital bond funding. Participants in APR qualify for further technical assistance and business analysis to help improve the productivity and profitability of participating farms with the goal of enhancing the significance of APR farm operations and their contribution to the state’s agricultural industry.

Maintaining the current rate of investment in the APR program would protect 2,000 acres of productive farmland a year, spur farm business expansion, and help the next generation of Massachusetts farmers gain access to affordable farmland.

The CCC recommends this line item be listed individually under the Department of Agriculture and be granted **\$20 million** in additional authorization.

#### **2500-7021, Farm Viability Enhancement Program**

The Farm Viability program offers farmers environmental, technical and business planning assistance to expand, upgrade and modernize existing farm operations. Capital for the implementation of the improvements recommended in the viability plan is available in exchange for an agricultural covenant on the farm property for a fixed term of five or ten years. This successful program improves the economic viability and environmental integrity of participating farms through the development and implementation of farm viability plans.

The CCC recommends language specific to farm viability be included in line item 2500-7021 under the Department of Agricultural Resources line item. We support the current proposed funding level.

#### **2500-7024, Agricultural Environmental Enhancement Program (AEEP)**

AEEP is a voluntary program that provides financial support to agricultural operations to help implement conservation practices intended to protect the Commonwealth’s natural resources by the prevention or mitigation of pollution that may arise from agricultural practices. Since 1999, the program has funded 540 projects statewide that improve water quality, conserve water, reduce greenhouse gas emissions, and conserve energy. Agricultural operations have received over \$6 million dollars to help them address environmental concerns on their farms. AEEP leverages federal funding from the Natural Resource Conservation Service’s program for improving environmental practices on farms.

The CCC recommends that this line item be listed individually under the Department of Agricultural Resources and be granted **\$5 million** in additional authorization.

#### **Urban Agriculture and Community Gardens**

##### **Support earmark to stimulate urban agricultural economy**

Urban agriculture is the practice of cultivating, processing and distributing food throughout a city. The state expanded investments in urban agriculture in 2013, but needs to do significantly more. Massachusetts’ cities are exposed to environmental threats including extreme heat and floods, and underserved urban neighborhoods face public health challenges at high rates. Urban farms cool down hot neighborhoods, absorb stormwater and filter pollutants at a much higher rate than paved lots. These are critical benefits as climate change brings an increase in heat waves and heavy rain events. Urban farms also provide vibrant green spaces, create jobs, engage volunteers and school kids, and provide access to

fresh, healthy food— directly impacting health and quality of life. For example, a Boston farm that’s less than one acre, produces an average of 8,250 pounds of produce per year and generates \$37,500 in sales. In 2015, produce from that farm was sold locally to 15 restaurants, five grocery stores, and at two farmers markets.

The CCC is proposing the insertion of language specific to this purpose in line item 2500-7021 and recommends **\$4 million** in additional authorization to acquire land and provide technical assistance and infrastructure.

### *Department of Conservation and Recreation*

#### **2800-7031. Aquatic Invasives**

Chapter 444 of the Acts of 2012, which amended G.L. c. 21, § 37B, requires the Department of Conservation and Recreation to “establish and maintain an aquatic nuisance control program” and “to promulgate rules and regulations, in consultation with the department of fish and game, to enable the aquatic nuisance control program to suppress, eradicate, control and otherwise mitigate or reduce the risk of the spread of aquatic nuisances.” Aquatic nuisance plants are choking large areas of our inland waters turning them into “dead zones.” It is also critical that the spread of the highly invasive zebra mussel be prevented. We propose language making it clear that rivers and streams, not just lakes and ponds, are included.

The CCC recommends that this line item be listed individually under the Department of Conservation and Recreation and be granted **\$5 million** in additional authorization.

#### **2800-7023, Forestry and Tree Planting**

This highly successful program was initiated in the 2013 bond bill. EEA assists cities and nonprofit organizations in planting trees on public and private land, which has been shown to result in significant energy savings. For example, increasing mature tree canopy cover in urban residential neighborhoods by 20 percent can reduce household cooling expenses by 50 percent, and heating energy use by 30 percent. New authorization would enable trees to be planted in neighborhoods where the oldest, least insulated homes exist. The objective of this program is to increase canopy cover where needed by 20 percent, which would benefit up to one million households, result in a two million ton decrease of carbon dioxide yearly, and provide statewide, annual household energy savings of approximately \$640 million.

The CCC recommends that this line item be listed individually under the Department of Conservation and Recreation and be granted an additional **\$25 million** in authorization.

#### **2800-7027, Department of Conservation and Recreation Land Acquisition**

The Department of Conservation and Recreation (DCR) is the steward of one of the largest state park systems in the country. Its 450,000 acres is made up of forests, parks, greenways, historic sites and landscapes, lakes, ponds, reservoirs and watersheds. Approximately \$8 million per year is necessary for DCR to continue its land grant program; however, only \$32 million remains in the account, with \$30 million already committed to specific projects.

The CCC recommends that this line item be listed individually under the Department of Conservation and Recreation and be granted an additional **\$10 million** in authorization.

### *Outside Sections*

### **Sections 33. & 34. Estate Tax Exemption for Closely Held Agricultural Lands**

These sections mirror language that was reported favorably by both the committee on revenue and would allow all but the largest .2 percent of farms to avoid any estate tax on the value of their farmland. Based on rising land prices, many of our region's farms operate on farmland that has resale value based on development potential that is far greater than its agricultural value. While it only occurs once a generation, the impact of this tax can be devastating on both the individual farm, and the Commonwealth as it struggles to preserve its working landscapes. Without these provisions, more than 1,200, or 1/6 are large enough to make an estate taxable upon the death of the farmland owner. Those 1,200 farms steward over 350,000 acres of our commonwealth's farmland, 70% of its total. It takes just 40 acres of farmland in Norfolk county; 60 acres of farmland in Plymouth or Middlesex; and 100 acres of farmland in Worcester county to trigger an estate tax bill. More than 20 farmers pass away every year with farms large enough to cause their estate to be taxed under the current code. The passing of those farmers puts 5,700 acres of farmland at a high risk for development or fragmentation every year.

The CCC strongly supports these provisions and requests that they be retained in the Environmental Bond.

### **Public Lands Protection Act**

The CCC strongly supports inclusion of the Public Lands Protection Act legislation, filed by Representative Balsler, in the environmental bond bill.

### **Section 95. Oppose Automatic Hunting on Lands Conserved Using State Funds**

This proposal would permanently allow hunting and trapping on all lands acquired using state funds, requiring the Environmental Secretary's approval when a private landowner wants to prohibit these activities. In effect, this provision would open public lands to hunting and trapping even if other lands in the community are closed to these practices. This is a problem as public access and hunting is sometimes incompatible with specific land uses (agriculture, drinking water supply lands, endangered species habitat, etc.) and should therefore be decided by landowners as well as land trusts, abutters and cities and towns on a case-by-case basis. We oppose placing the burden on landowners willing to conserve their land to have to confront sportsmen and the Administration in order to keep land free from hunting and trapping. We are also concerned that such a burden would stymie donations of critical lands needed for different priorities, whether to help communities become more resilient to climate change, provide natural goods and services (working farms and forests, protect water supplies, etc.), plan for limited development, and preserve quality of life in Massachusetts communities.

The CCC strongly opposes this provision and requests that the section be struck from the Environmental Bond.

### **Section 104**

We appreciate the addition to the Bond bill by ENRA of Section 104 which will provide for greater accountability and transparency on the status of line items and projects authorized in the Bond. We would also like to request that a new section or an amendment to Section 104. We believe EEA should be required to convene stakeholders to solicit input in a public forum as part of the process of informing and developing its annual Capital Plan. Input from the stakeholders will enhance public-private partnerships and leverage private investment to add value to the Commonwealth's capital investments. In addition, a public process will enhance and improve transparency.