Massachusetts Department of Agricultural Resources: Housed in the Department of Agricultural Resources, the Massachusetts Agricultural Preservation Restriction (APR) Program offers to pay farmers the difference between the “fair market value” and the “agricultural value” of their farmland in exchange for a permanent deed restriction. This agricultural preservation restriction precludes any use of the property that will have a negative impact on its agricultural viability. The legislature authorizes funding for the APR Program through environmental bond bills, and the governor issues bonds on an annual basis.

Massachusetts Department of Conservation and Recreation: The Department of Conservation and Recreation (DCR) is a state agency situated in the Executive Office of Energy and Environmental Affairs. The Metropolitan District Commission (MDC) and the Department of Environmental Management (DEM) were merged to form the DCR. In addition to the grant programs offered, DCR acquires land through the Division of Water Supply Protection, Division of State Parks and Recreation, the Division of Urban Parks and Recreation and the Land Protection Planning Program. Funding is available through the Environmental Bond Fund and the Wachusett Land Acquisition Trust Fund.

Massachusetts Department of Fish and Game: The Massachusetts Department of Fish & Game acquires land through purchases from the Inland Fish and Game Fund. Revenue from hunting, fishing, trapping, and license fees is collected through the Wetlands Stamp Program (1990) for habitat acquisition.

Massachusetts Drinking Water Supply Protection Grant Program: Massachusetts Department of Environmental Protection, in conjunction with the Executive Office of Energy and Environmental Affairs, administers the Drinking Water Supply Protection Program (DWSPP). This program, established in 2005 and funded by the Massachusetts state environmental bond, provides grant funding to municipalities and other eligible entities for the purpose of acquiring land to protect current or future public drinking water supplies or groundwater recharge. DWSPP is a reimbursement program. In addition, grant funds cannot exceed 50 percent of the total project cost. Funds are derived from state bond issuances.

Massachusetts Conservation Partnership Grant Program: The Conservation Partnership Program was authorized by the Legislature in 2002. This grant program provides reimbursements to non-profit organizations of up to 50 percent of the cost of acquiring land or interest in land for conservation or outdoor recreation purposes. All projects must grant a perpetual conservation restriction (easement), to either the city or town in which the project is located, or a state agency, or both. Funds are derived from bond expenditures.

Massachusetts Parkland Acquisitions and Renovations for Communities (PARC) Grant Program: The Urban Self-Help Program, now known as the Parkland Acquisitions and Renovations for Communities Program (PARC) was established in 1977 to assist cities and towns in acquiring and developing land for park and outdoor recreation purposes. Any town with a population of 35,000 or more year-round residents, or any city regardless of size, that has an authorized park/recreation commission is eligible to participate in the program. Communities that do not meet the population criteria listed above may still qualify under the “small town,” “regional,” or “statewide” project provisions of the program.

Only projects that are to be developed for suitable outdoor recreation purposes, whether active or passive in nature, shall be considered for funding. Grants are available for the acquisition of land and the construction, or renovation of park and outdoor recreation facilities, such as swimming pools, zoos, athletic play fields, playgrounds and game courts. Access by the general public is required.

Massachusetts Local Acquisitions for Natural Diversity (LAND) Grant Program: The Self Help Grant Program is now known as the Massachusetts Local Acquisitions for Natural Diversity Program and was established in 1961 to assist municipal conservation commissions acquiring land for natural resource (wildlife, habitat, trails) and passive outdoor recreation purposes (hiking, fishing, hunting). Access by the general public is required. This state program pays for the acquisition of land, or a partial interest (such as a
conservation restriction), and associated acquisition costs such as appraisal reports and closing costs. Funds are derived from bond expenditures.

In Massachusetts all municipal and private, non-profit organizations must get state approval from the Secretary of the Executive Office of Energy and Environmental Affairs (EOEEA) in order to complete a conservation easement (conservation restriction in MA). The approval process requires among other steps, a notice of registry and GIS data showing the boundary of the easement. MassGIS is a division within EOEEA that keeps record of all GIS data. Specific conservation data layers include coastal and marine features, conservation/recreation, and cultural resources.

**Landscape Partnership Program:** Starting in FY 2010, the Massachusetts Executive Office of Energy and Environmental Affairs (EEA) will offer a new grant opportunity called the Landscape Partnership Program. This program will offer competitive grants to municipalities, non-profit organizations and EEA agencies to help fund partnership projects that permanently protect a minimum of 500 acres of land. The Landscape Partnership Program seeks to preserve large, unfragmented, high value conservation landscapes, including working forests and farms, expand state-municipal-private partnerships, increase leveraging of state dollars, enhance stewardship of conservation land, and provide public access opportunities. The program will also fund the development of Natural Resource Protection Zoning in partner municipalities. Conservation activity for this grant program will be available once the program has been implemented. Data is not currently available for this program.

**Substantial State Investment**

**Bond Expenditures:** The Massachusetts Legislature authorizes bond expenditures for environmental programs, including open space acquisition.

In August 2014, a 4-year, $2.2 billion environmental bond bill was signed into law by Governor Deval Patrick. The environmental bond authorized funding for state agencies, municipalities and nongovernmental partners to conserve natural resources, improve energy efficiency, support local farmers and fisheries, protect wildlife, maintain water quality and coastal infrastructure, manage solid waste, and promote smart planning and development, among other critical environmental and public health initiatives. The bond included over $350 million for land conservation programs, including $111 million for a new urban park program to serve neighborhoods currently underserved with parks, matching grants for cities and towns, and opportunities for nonprofit partners to leverage local, federal and private investments to protect critical natural resources. It also included $20 million to protect and support working farms, protect farms under threat of development, and stimulate the Commonwealth’s agricultural industry.

In August 2008, a $1.64 billion environmental bond was passed by the Legislature and signed into law by the governor. The new bond dedicated $50 million annually for open space preservation over five years. The funding appropriations included $25 million for a new Commonwealth Urban Parks initiative, $73 million for acquisition of wildlife habitat by the MA Department of Fish and Game, $56.9 million to purchase land for the MA Department of Conservation and Recreation parks and reservations, $67.7 million to preserve agricultural lands through state purchase of development rights, and $21.3 million for Drinking Water Protection grants distributed to cities and towns by the Department of Environmental Protection.

The Legislature authorized a three-year Open Space Bond Bill in 2002 for $753 million, $220 million of which was for land acquisition.

**Community Preservation Act:** The Community Preservation Act (CPA) is the state’s innovative program, passed by the Legislature in 2000, enabling municipalities to establish local dedicated funds for open space preservation, outdoor recreation, historic preservation, and affordable housing. CPA funds are generated through a voter-approved surcharge of up to 3 percent on local property tax bills, and annual disbursements, at varying matching percentage levels (depending upon availability of funds and number of communities participating), from a statewide Community Preservation Trust Fund created by the Act. The Trust Fund’s revenues are derived from document recording fees collected at the state’s Registries of Deeds, and, since 2013, from state budget surplus funds.

The Community Preservation Trust Fund’s annual revenues have varied widely over the 15 years the program has been in existence, since they generally track the Massachusetts economy and housing market. Annually, these revenues have ranged from about $20 million to a high of $53 million. Locally, the funds raised are split between open space protection, outdoor recreation, affordable housing and historic preservation projects.

In June 2012, responding to municipal concerns that annual matching distributions from the Community Preservation Trust Fund were declining (due to falling revenues and an increase in participating communities) the Massachusetts Legislature agreed to transfer $25 million from the 2013 state budget surplus into the CPA Trust Fund. This money augmented the declining revenues collected from the document recording fees at the Registries of Deeds. In 2014 and 2015, the Legislature again boosted the Community Preservation Trust Fund...
with transfers of $11.4 million and $10 million, respectively, from the state’s budget surplus.

In 2019, the Massachusetts Legislature voted to increase annual funding for the Community Preservation Act by $36 million. The vote will increase the CPA fee at the state’s Registries of Deeds from $20 per document to $50, bringing an additional $36 million to the CPA Trust Fund. When combined with the current registry fees and the CPA municipal property tax surcharge, annual funding for CPA will reach $225 million per year. The legislature also voted to transfer $20 million from the state budget surplus to the CPA Trust Fund, adding to the $54 million in surplus funds obtained over the past six years.

**Land Conservation Tax Credit Program:** The state’s Land Conservation Tax Credit Program was signed into law in 2009 and provides an income tax credit of 50 percent of the applicant’s fair market value of qualified conservation land voluntarily donated to a municipality, the state or a private nonprofit conservation organization. New regulations set a cap of $50,000 on the income tax credit offered. To qualify, the Executive Office of Energy and Environmental Affairs must review proposed properties for eligibility requirements. The gift of land must meet specific public interest standards and be permanently protected. The tax credit cannot exceed the donor’s annual state income tax liability, but may be carried forward for 10 consecutive years. Total funding for the program is capped at $2 million.

**State Incentive for Local Conservation Funding**

The Drinking Water Supply Protection Program (DWSPP) provides grant funding to municipalities and other eligible entities for the purpose of acquiring land to protect current or future public drinking water supplies. DWSPP is a reimbursement program. In addition, grant funds cannot exceed 50 percent of the total project cost.

The Community Preservation Act enables a municipality to impose a (voter-approved) surcharge of up to 3 percent on a local real property levy. As of November 2019:

- 176 communities have adopted CPA (50% of the Commonwealth’s cities and towns)
- Just over $2.1 billion has been raised to date for community preservation funding statewide
- Over 12,000 projects have been approved by local legislative bodies
- 30,894 acres of open space have been preserved
- More than 2,500 outdoor recreation projects have been initiated

**Local Programs Included**

**Community Preservation Act (CPA):** Local program information is based solely on the Community Preservation Act (CPA), statewide enabling legislation that allows cities and towns to exercise control over local planning decisions. CPA is a smart growth tool that helps communities preserve open space and historic sites, create affordable housing, and develop outdoor recreational facilities. CPA enables municipalities to impose a (voter-approved) surcharge of up to 3 percent on a local property levy. As of November 2016, 172 of Massachusetts’ 351 communities, or 49 percent had passed CPA.

**Land Banks:** While not included in the Conservation Almanac at this time, land banks are protecting land in Massachusetts as well. For example, the Nantucket...
Islands Land Bank (NILB) was conceived by Nantucket’s Planning Commission, adopted by the voters of Nantucket, and established by a special act of the Massachusetts Legislature in 1983. Its revenue is derived from a two percent real estate transfer fee, which is levied against most real estate transfers on the island. In 2014, NILB transfer fees generated $17.7 million in revenue. NILB competes in the open market to acquire land that provides the public a range of benefits. NILB holdings are in the public trust and currently include beaches, wetlands, aquifer recharge areas, moorlands, heathlands, rare species habitat, ocean, pond and harbor frontage, and properties for passive and active recreation.

Additionally, The Cape Cod Land Bank (CCLB) was created by state legislation in 1999, to allow towns to acquire land and interests in land for the protection of public drinking water supplies, open space, and conservation land, the creation of walking and bicycling trails, and the creation of recreational areas. In 2005, 13 of the 15 towns on Cape Cod voted to convert the Cape Cod Land Bank Act in their towns to the Community Preservation Act, thereby ending the Cape Cod Land Bank. Two of the towns (Chatham and Provincetown), having previously adopted the Community Preservation Act in addition to the Cape Cod Land Bank, have both preservation programs in place.

The voters of Martha’s Vineyard also created a land bank in 1986. The Martha’s Vineyard Land Bank Commission gets its revenue from a 2% public surcharge on most real estate transfers occurring in the six towns.

Visit www.landvote.org for more information.

Federal Partnerships

Federal agencies and programs that have conserved land in Massachusetts include:

- U.S. National Oceanic and Atmospheric Administration – Coastal and Estuarine Land Conservation Program (CELCP)
- U.S. Natural Resources Conservation Service – Farm and Ranch Lands Protection Program (FRPP)
- U.S. Natural Resources Conservation Service – Grassland Reserve Program (GRP)
- U.S. Natural Resources Conservation Service – Wetlands Reserve Program (WRP)
- U.S. Department of Defense – Readiness and Environmental Protection Initiative (REPI)
- U.S. Fish and Wildlife Service – Migratory Bird Conservation Fund (MBCF)
- U.S. Fish and Wildlife Service – National Coastal Wetlands Conservation Grant Program
- U.S. Fish and Wildlife Service – North American Wetlands Conservation Act (NAWCA)
- U.S. National Park Service – LWCF Stateside
- U.S. Forest Service – Forest Legacy Program (FLP)
- U.S. National Park Service – LWCF Stateside

The Trust for Public Land creates parks and protects land for people, ensuring healthy, livable communities for generations to come.

The Conservation Almanac

A comprehensive database of land conservation and public conservation funding in America, the Conservation Almanac provides a context for assessing impacts of conservation and the growing conservation finance movement. The Almanac offers information on public dollars spent and acres conserved, details on local, state, and federal conservation programs, and geospatial mapping of conserved land.

Almanac data collection efforts focus on land conserved using public dollars; contributions funded by private and non-governmental organizations are not tracked comprehensively. Federal data is complete from 1998-2017. State and local data is complete from 1998-2011. In the tables and charts below, acres are allocated to each program proportionate to the size of the contributions to each acquisition. For example, if an acquisition had two contributions, and each program contributed equal dollar amounts, each program receives 50% of the acres. If you have questions or want to provide updated information, please contact Jessica Welch at jessica.welch@tpl.org.

www.tpl.org
www.conservationalmanac.org
State Conservation Report
Massachusetts

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The data in the Conservation Almanac track the impacts of public spending on land conservation. Created by The Trust for Public Land, the Conservation Almanac brings those data together along with state policy profiles, current conservation finance news, and an interactive map, to provide a powerful online tool.

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