

HOUSE No. 842

The Commonwealth of Massachusetts

PRESENTED BY:

Sarah K. Peake and Bradley H. Jones, Jr.

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to sustain natural and working lands carbon in communities.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|--------------------------------|--|
| <i>Sarah K. Peake</i> | <i>4th Barnstable</i> |
| <i>Bradley H. Jones, Jr.</i> | <i>20th Middlesex</i> |
| <i>Steven S. Howitt</i> | <i>4th Bristol</i> |
| <i>William L. Crocker, Jr.</i> | <i>2nd Barnstable</i> |
| <i>Angelo J. Puppolo, Jr.</i> | <i>12th Hampden</i> |
| <i>Kimberly N. Ferguson</i> | <i>1st Worcester</i> |
| <i>Susan Williams Gifford</i> | <i>2nd Plymouth</i> |
| <i>Randy Hunt</i> | <i>5th Barnstable</i> |
| <i>Carolyn C. Dykema</i> | <i>8th Middlesex</i> |
| <i>Dylan A. Fernandes</i> | <i>Barnstable, Dukes and Nantucket</i> |
| <i>Louis L. Kafka</i> | <i>8th Norfolk</i> |
| <i>Denise Provost</i> | <i>27th Middlesex</i> |
| <i>Ann-Margaret Ferrante</i> | <i>5th Essex</i> |
| <i>David M. Rogers</i> | <i>24th Middlesex</i> |
| <i>Joan Meschino</i> | <i>3rd Plymouth</i> |
| <i>Mathew J. Muratore</i> | <i>1st Plymouth</i> |
| <i>Marjorie C. Decker</i> | <i>25th Middlesex</i> |
| <i>Marcos A. Devers</i> | <i>16th Essex</i> |

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| <i>Natalie M. Higgins</i> | <i>4th Worcester</i> |
| <i>James B. Eldridge</i> | <i>Middlesex and Worcester</i> |
| <i>Jason M. Lewis</i> | <i>Fifth Middlesex</i> |
| <i>Hannah Kane</i> | <i>11th Worcester</i> |
| <i>Paul A. Schmid, III</i> | <i>8th Bristol</i> |
| <i>Jennifer E. Benson</i> | <i>37th Middlesex</i> |
| <i>Harold P. Naughton, Jr.</i> | <i>12th Worcester</i> |
| <i>Mike Connolly</i> | <i>26th Middlesex</i> |
| <i>Alice Hanlon Peisch</i> | <i>14th Norfolk</i> |
| <i>Julian Cyr</i> | <i>Cape and Islands</i> |
| <i>Elizabeth A. Poirier</i> | <i>14th Bristol</i> |
| <i>Jonathan Hecht</i> | <i>29th Middlesex</i> |
| <i>Carlos González</i> | <i>10th Hampden</i> |
| <i>Tommy Vitolo</i> | <i>15th Norfolk</i> |
| <i>Tami L. Gouveia</i> | <i>14th Middlesex</i> |
| <i>Natalie M. Blais</i> | <i>1st Franklin</i> |
| <i>Maria Duaine Robinson</i> | <i>6th Middlesex</i> |
| <i>Denise C. Garlick</i> | <i>13th Norfolk</i> |
| <i>Brian M. Ashe</i> | <i>2nd Hampden</i> |
| <i>Thomas M. Stanley</i> | <i>9th Middlesex</i> |
| <i>Sean Garballey</i> | <i>23rd Middlesex</i> |
| <i>Jack Patrick Lewis</i> | <i>7th Middlesex</i> |
| <i>Kay Khan</i> | <i>11th Middlesex</i> |

HOUSE No. 842

By Representatives Peake of Provincetown and Jones of North Reading, a petition (accompanied by bill, House, No. 842) of Sarah K. Peake, Bradley H. Jones, Jr., and others relative to carbon stock on natural and working lands and the release of measurable greenhouse gases. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act to sustain natural and working lands carbon in communities.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Said section 1 of said chapter 21N, as so appearing, is hereby amended by
2 inserting after the definition of

3 “Market-based compliance mechanism” the following definition:-

4
5 “Natural and working lands” are: (i) Land that is actively used by an agricultural owner
6 or operator for an agricultural operation that includes, but need not be limited to, active
7 engagement in farming or ranching; (ii) Land producing forest products; (iii) Lands consisting
8 of forests, grasslands, freshwater and riparian systems, wetlands, coastal and estuarine areas,
9 watersheds, wildlands or wildlife habitat; or (iv) Lands used for recreational purposes, such as
10 parks, urban and community forests, trails, and other similar open space land.

11 SECTION 2. Said chapter 21N is hereby amended by adding the following section:-

12

13 Section 12. (a) Actions related to natural resources can increase the volume of carbon
14 stored in natural and working lands, reduce the loss of already-stored carbon, and decrease
15 greenhouse gas emissions from natural and working lands, helping to achieve the goal of
16 reducing greenhouse gases and carbon pollution in the atmosphere. Said actions related to natural
17 resources shall aim to optimize and maximize benefits and achieve the goals above, to the
18 maximum extent practicable. They may include, but are not be limited to: (i) conservation; (ii)
19 restoration; (iii) enhancement; or (iv) management.

20

21 (b) The secretary of energy and environmental affairs shall: (i) conduct a statewide
22 baseline assessment of carbon stock on natural and working lands and track the release of
23 measurable greenhouse gases from and carbon sequestration by natural and working lands, to the
24 maximum extent practicable; (ii) adopt clear statewide goals, indicate expected outcomes, and
25 identify a path to reduce greenhouse gas emissions and increase carbon sequestration on natural
26 and working lands; and (iii) develop a natural and working lands plan, including, but not limited,
27 to recommended policies, programs, grants, loans and incentives and public-private partnerships
28 to meet the statewide goal. Said recommendations shall provide guidance and strategies for state
29 agencies and authorities, municipalities and regional planning agencies to proactively address
30 these measures, including through changes to plans, by-laws, ordinances, regulations and
31 policies. The secretary shall ensure that policies and strategies to reduce greenhouse gas
32 emissions and increase carbon sequestration on natural and working lands contribute to meeting
33 statewide emission limits and complement and enhance efforts for climate change adaptation and

34 resiliency. Said baseline assessment, goal, and plan may be incorporated into the inventory,
35 baseline assessment, plan, and reporting under sections 2 through 5 of chapter 21N of the general
36 laws. The secretary shall issue the plan and provide it to the senate and house committees on
37 ways and means and the joint committee on environment, natural resources and agriculture not
38 later than July 1, 2019 and every fifth year thereafter.

39 (c) The executive office of energy and environmental affairs shall develop policies,
40 programs, grants, loans and incentives to meet the statewide natural and working lands goal as
41 identified in the plan, including, but not limited to, a communities for a sustainable climate
42 program. The executive office of energy and environmental affairs shall apply and disburse
43 monies and revenues as provided in this section.

44 (d) The secretary shall establish a communities for a sustainable climate program. The
45 purpose of the program shall be to provide technical and financial assistance, including
46 incentives, grants and loans, to municipalities that qualify as sustainable communities under this
47 section. These incentives, grants and loans shall be used to finance all or a portion of the costs of
48 designing, constructing and implementing actions and strategies to reduce greenhouse gas
49 emissions and increase carbon sequestration on natural and working lands.

50 .

51 (e) To qualify as a community for a sustainable climate, a municipality or other local
52 governmental body shall comply with eligibility requirements developed by the secretary or his
53 designee. Eligibility requirements are intended to incentivize communities to adopt policies and
54 practices that protect, enhance, and restore carbon stocks on natural and working lands beyond
55 business as usual. The secretary shall set eligibility requirements from among, but not limited to,

56 the following: (1) adopt a municipal tree retention and replacement by-law or ordinance; (2)
57 adopt natural resource protection zoning, as defined by the secretary; (3) collect a reasonable fee
58 to be used exclusively for measures to remedy and offset the generation of greenhouse gases
59 caused by activities that convert forest, wetlands, and agricultural lands for development at a size
60 and scale determined by the secretary; (4) adopt a municipal transfer of development rights by-
61 law or ordinance; and (5) adopt and implement a municipal procurement policy for municipal
62 purchasing and substituting wood products for municipal operations and assets, where feasible,
63 including but not limited to, concrete and steel in buildings. The secretary may waive specified
64 requirements based on a written finding that, due to unusual circumstances, a municipality
65 cannot reasonably meet the requirements and that the municipality has committed to alternative
66 measures that advance the purposes of the communities for a sustainable climate program as
67 effectively as adherence to the requirements. The Secretary may adopt alternative eligibility
68 requirements that provide opportunities to achieve the goals of the program.

69

70 (f) The secretary may develop policies to provide for consistency and predictability and
71 to help offset the impacts of municipal ordinances and by-laws upon the private sector under the
72 communities for a sustainable climate program that may be adopted by participating
73 communities, including, but not limited to, grants, loans, incentives and tax credits and expedited
74 permitting for practices and strategies consistent with the goals to reduce greenhouse gas
75 emissions and increase carbon sequestration on natural and working lands.

76 (g) Funding for the communities for a sustainable climate program in any single fiscal
77 year shall be available, without the need for further appropriation, from sources including, but

78 not limited to: (1) the global warming solutions trust fund established in section 35GGG of
79 chapter 10 of the general laws; and (2) land management and restoration grant, loan and
80 incentive programs administered by the executive office of energy and environmental affairs.

81 (h) The secretary may develop and implement communities for a sustainable climate as a
82 stand-alone program or combine said program with other municipal assistance programs related
83 to climate adaptation, resiliency or mitigation, including, but not limited to, the municipal
84 vulnerability preparedness program and the green communities program, established in this
85 chapter.

86 (i) The secretary shall adopt rules, regulations, and guidelines for the administration,
87 oversight, accountability and enforcement of this section, including, but not limited to,
88 establishing eligibility criteria, funding priority, application forms and procedures, and reporting
89 requirements.

90

91 (j) The secretary shall annually, not later than April 1, submit a report to the clerks of the
92 senate and the house of representatives, the joint committee on environment, natural resources
93 and agriculture, and the senate and house committees on ways and means detailing the
94 expenditures and results relative to the communities for a sustainable climate program.