The Commonwealth of Massachusetts

PRESENTED BY:

Susannah M. Whipps

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 relative to forest protection.

PETITION OF:

<table>
<thead>
<tr>
<th>NAME</th>
<th>DISTRICT/ADDRESS</th>
<th>DATE ADDED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Susannah M. Whipps</td>
<td>2nd Franklin</td>
<td>1/18/2019</td>
</tr>
<tr>
<td>Angelo J. Puppolo, Jr.</td>
<td>12th Hampden</td>
<td>1/29/2019</td>
</tr>
<tr>
<td>Natalie M. Blais</td>
<td>1st Franklin</td>
<td>1/29/2019</td>
</tr>
<tr>
<td>Joanne M. Comerford</td>
<td>Hampshire, Franklin and Worcester</td>
<td>1/30/2019</td>
</tr>
<tr>
<td>Paul W. Mark</td>
<td>2nd Berkshire</td>
<td>1/28/2019</td>
</tr>
<tr>
<td>José F. Tosado</td>
<td>9th Hampden</td>
<td>1/29/2019</td>
</tr>
<tr>
<td>Denise Provost</td>
<td>27th Middlesex</td>
<td>1/30/2019</td>
</tr>
<tr>
<td>Stephan Hay</td>
<td>3rd Worcester</td>
<td>1/31/2019</td>
</tr>
<tr>
<td>Lindsay N. Sabadosa</td>
<td>1st Hampshire</td>
<td>1/31/2019</td>
</tr>
<tr>
<td>Mike Connolly</td>
<td>26th Middlesex</td>
<td>1/31/2019</td>
</tr>
<tr>
<td>Aaron Vega</td>
<td>5th Hampden</td>
<td>1/31/2019</td>
</tr>
<tr>
<td>Mindy Domb</td>
<td>3rd Hampshire</td>
<td>1/31/2019</td>
</tr>
<tr>
<td>Sean Garballey</td>
<td>23rd Middlesex</td>
<td>1/31/2019</td>
</tr>
<tr>
<td>Tami L. Gouveia</td>
<td>14th Middlesex</td>
<td>2/1/2019</td>
</tr>
<tr>
<td>Paul McMurtry</td>
<td>11th Norfolk</td>
<td>2/1/2019</td>
</tr>
<tr>
<td>James Arciero</td>
<td>2nd Middlesex</td>
<td>2/1/2019</td>
</tr>
</tbody>
</table>
An Act relative to forest protection.

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

SECTION 1. Chapter 21 of the General Laws is hereby amended by replacing Section 2F with the following-

Management guidelines for public and private forest lands

Section 2F. The director of state parks and recreation shall work in cooperation with the director of the division of fisheries and wildlife within the department of fish and game to establish coordinated management guidelines for public forest lands within the departments of conservation and recreation and for sustainable forestry practices on private forest lands. Said guidelines for public forest lands shall include agreements on equipment, personnel transfers, operational costs, and assignment of specific management responsibilities.

The commissioner of conservation and recreation shall submit management plans to the stewardship council for the council’s adoption with respect to all lands and waters under the management of the department, regardless of whether they lie within the urban parks district or
outside the urban parks district. Said management plans shall include guidelines for the operation and land stewardship or the aforementioned reservations, parks and forests, shall provide for the protection and stewardship of natural and cultural resources and shall ensure consistency between recreation and resource protection. The commissioner shall seek and consider public input in the development of management plans, and shall make draft plans available for a public review and comment period through notice in the Environmental Monitor. Within thirty days of the adoption of such management plans, as amended from time to time, the commissioner shall file a copy of such plans as adopted by the council with the state secretary and the joint committee on natural resources and agriculture of the general court. All said management plans shall be subject to section 2B of Chapter 132A and section 1 of Chapter 131

The commissioner of conservation and recreation shall be responsible for implementing said management plans, with due regard for the above requirement.

SECTION 2. Chapter 92 of the General Laws is hereby amended by replacing Section 33 with the following-

Section 33. The division of state parks and recreation, hereinafter referred to as the division, may maintain and make available to the inhabitants of Arlington, Belmont, Boston, Braintree, Brookline, Cambridge, Canton, Chelsea, Dedham, Dover, Everett, Hingham, Hull, Lynn, Malden, Medford, Melrose, Milton, Nahant, Needham, Newton, Quincy, Revere, Saugus, Somerville, Stoneham, Swampscott, Wakefield, Waltham, Watertown, Wellesley, Weston, Westwood, Weymouth, Winchester, and Winthrop, which shall constitute the urban parks district, open spaces for exercise and recreation, in this chapter designated as parks or reserves
subject to Chapter 132 Section 34A and, for the purposes set forth in this section, the powers of
the division shall extend to, and be exercised in, said district.

The division may preserve, beautify and care for such public parks or reserves, and also,
in its discretion and upon such terms as it may approve, such other open spaces within said
districts as may be entrusted, given or devised to the Commonwealth for the general purposes of
this section or for any one or more of such purposes as the donor may designate.

The division may, for the purpose of making the rivers and ponds within said district
more available as open spaces for recreation and exercise, regulate the use of certain spaces
along or near said rivers and ponds, and care for and maintain spaces so regulated, and plant,
care for, maintain or remove trees, shrubs, and growth of any kind within said regulated spaces.

SECTION 3. Chapter 92A1/2 of the General Laws is hereby amended by replacing
Section 16 with the following-

Section 16. The commissioner shall at least once every five years, adopt after public
review, hearing and comment, one or more periodic watershed management plans for the
watershed system, which shall have been prepared with the participation of a professionally
qualified ecologist, wildlife biologist, aquatic biologist, botanist, soil scientist, and climate
scientist, and the appropriate watershed advisory committee, and with broad public review and
comment. Any watershed management plan shall provide for, but need not be limited to, the
protection of forests, fish and wildlife, soils, and water quality, the maximization of carbon
storage, consideration of the impacts of climate change, water yield enhancement and
recreational activities. All watershed lands shall be designated as parks or reserves, and
management activities shall be subject to section 2B of chapter 132A and section 1 of Chapter 131.

SECTION 4. Chapter 92A1/2 of the General Laws is hereby amended by replacing Section 20 with the following-

The division shall not contract for services exclusive of consultants performing only those services for the division which regular employees of the division are unable to perform, to accomplish any of its duties nor shall it enter into any interagency agreement for such purpose. Only officers and employees of the division shall perform its duties. All contracts and consultants shall be subject to section 2B of chapter 132A and section 1 of Chapter 131.

SECTION 5. Chapter 131 of the General Laws is hereby amended in Section 4 by replacing subsection (16) thereof with the following-

(16) enter into such contracts as the director, in consultation with the commissioner, deems necessary or appropriate in order to fulfill the responsibilities and mandates of the agency; provided, however, that no contract shall include the sale, removal, or destruction of timber, except as provided for in section 1 of Chapter 131.

SECTION 6. Chapter 131 of the General Laws is hereby amended in Section 6 by replacing subsection (3) thereof with the following-

(3) for the purpose of providing public shooting grounds, acquire by gift, purchase, lease, or easement, or without consideration therefor obtain by license or permit the use of lands or waters within the commonwealth, of shooting rights thereon of therein, together with necessary and proper rights of ingress and egress.
The director may, subject to the provisions of section thirty-seven of chapter thirty, make rules and regulations relative to public rights, privileges and use of lands, waters and properties acquired hereunder.

Nothing in this chapter shall be deemed to prohibit the director from disposing, through sale or exchange, of mammals, birds, birds’ eggs, fish, fish eggs or the vegetable products of such lands in connection with propagation or management; provided, however, that this shall not include the sale, removal, or destruction of timber, except as provided for in section 1 of Chapter 131.

SECTION 7. Chapter 131 of the General Laws is hereby amended in Section 59 by inserting the following-

The lands of the commonwealth now under the care, custody and control of the commissioner or hereafter acquired, shall be designated as parks or reserves and shall not be leased, sold or exchanged, or be taken by any corporation, public or private, nor shall the timber thereon be sold, removed, or destroyed, except as provided for in section 1 of Chapter 131.

SECTION 8. Chapter 132 of the General Laws is hereby amended by replacing Section 2 with the following-

Bequests and gifts; Forest Trust

Section 2. The commissioner of environmental management, in this chapter called the commissioner, with the approval of the governor and council, may accept on behalf of the commonwealth bequests or gifts to be used for the purpose of advancing the interest of the commonwealth in forest preservation, under the direction of the governor and council, or for the
laying out, construction or maintenance of state trails or paths, in such manner as to carry out the
terms of the bequests or gifts. Said trust properties shall be known as the forest trust and shall be
used and expended under the direction of the commissioner and subject to his orders. Subject to
the terms of such grant, gift, devise, or bequest, the commissioner may expend such funds
without further appropriation whether principal or income. The commissioner may, subject to the
approval of the deed and title by the attorney general, accept on behalf of the commonwealth
gifts of land to be held and managed for experiment and illustration in forest preservation,
subject to section 2B of Chapter 132A, and in accordance with such other rules and regulations
as the commissioner, with the approval of the governor and council, may prescribe. A donor of
such land may reserve the right to buy back the land in accordance with such terms and
conditions as may be agreed upon by and between such donor and the commissioner; but in the
absence of such reservation in his deed of gift he shall not have such right.

SECTION 9. Chapter 132 of the General Laws is hereby amended by replacing Section
34A with the following-

At the request of the commissioner, and after public hearing, the department of public
utilities if a location for electric light to serve an existing facility or for public safety or the
department of telecommunications and cable if a location for telephone or telegraph lines to
serve an existing facility or for public safety may by order alter or revoke and such location
whenever in its opinion the public interest or the rights of the commonwealth so require;
provided, that before so doing notice of said hearing shall be given to the grantee of the location
and all persons interested, and provided, further, that the grantee or any person interested in such
order may appeal therefrom to the governor and council within fourteen days after the filing of a
copy of such order as provided in the following paragraph.
The commissioner, within fourteen days after granting any such location, shall file a copy of the grant of the same, together with a copy of the order of the department of public utilities or the department of telecommunication and cable that the location is required by public necessity or convenience, in the office of the clerk of the town where the location is granted, and the department of public utilities or the department of telecommunications and cable shall file in the office of said clerk any order altering or revoking such location, and the clerk of such town shall receive and record the same.

The lands of the commonwealth now under the care, custody and control of the commissioner or hereafter acquired, and outside the urban park district, shall be designated as parks or reserves and shall not be leased, sold or exchanged, or be taken by any corporation, public or private, nor shall the timber thereon be sold, removed or destroyed, except as provided for in section 1 of Chapter 131.

The commissioner may not approve or provide for the installation of new commercial solar arrays, wind electricity generating systems, gas pipelines, commercial communications sites, commercial transmissions lines, cellular communications towers, or other such industrial infrastructure; provided that new solar installations will be allowed if they have the primary purpose of supplying electricity to an existing or approved public facility and the added environmental impacts would not be significant, and the installation of new communication hardware or replacement of existing communications hardware on existing fire towers or communications sites will be allowed if they would not have significant environmental impacts.

SECTION 10. Chapter 132A of the General Laws is hereby amended by replacing Section 1F with the following-
The bureau of forestry shall, under the supervision of the director, with the approval of
the commissioner perform such duties as respects the preservation of forest or wooded areas
under the control of the department; provided that such lands shall be designated as parks or
reserves and shall not be leased, sold, or exchanged, or be taken by any corporation, public or
private, nor shall the timber thereon be sold, removed, or destroyed, except as provided for in
section 1 of Chapter 131. It shall be responsible for such other duties as are now vested in the
division of forestry by the general laws or any special laws and shall be responsible for shade
tree management, arboricultural service, and insect suppression of public nuisances as defined in
section eleven of chapter one hundred and thirty two, subject to the approval of the director and,
notwithstanding the provisions of any general or special law to the contrary, the bureau may
require all tree spraying or other treatment performed by other departments, agencies, or political
subdivisions to be carried out under its direction; provided that the spraying of pesticides or
herbicides shall not be permitted unless there is a clear threat to public health and safety, as
determined by the Massachusetts Department of Public Health. The bureau may promulgate
rules and regulations to carry out its duties and powers. It shall assume the responsibilities of
section one A of chapter one hundred and thirty two and shall be responsible for such other
duties as are not otherwise vested in the division of forestry; provided, however, that all personal
of the forest, fire, shade tree and pest control units in their respective collective bargaining units
at the time of this consolidation to the bureau of forestry shall remain in their respective
collective bargaining units.

SECTION 11. Chapter 132A of the General Laws is hereby amended by replacing
Section 2B with the following-
It is hereby declared to be the policy of the commonwealth that all lands of the commonwealth now under the care, custody, and control of the commissioner or hereafter acquired shall in so far as practicable be preserved in their natural state and that no commercial activities except those essential to the quiet enjoyment of the facilities by the people shall be permitted. All such lands shall be designated as parks or reserves and shall not be leased, sold, or exchanged, or be taken by any corporation, public or private, nor shall the timber thereon be sold, removed or destroyed, except as provided for in section 1 of Chapter 131.

SECTION 12 Chapter 132 of the General Laws is hereby amended by replacing Section 40 with the following-

Section 40. It is hereby declared that the public welfare requires the rehabilitation, maintenance, and protection of forest lands for the purpose of conserving water, preventing floods and soil erosion, improving the conditions for wildlife and recreation, protecting and improving air and water quality, and optimizing carbon sequestration.

Therefore, it is hereby declared to be the policy of the commonwealth that all lands devoted to forest growth shall be kept in such condition as shall not jeopardize the public interests, and that the policy of the commonwealth shall further be one of cooperation with the landowners and other agencies interested in forestry practices for the proper and profitable management of all forest lands in the interest of the owner, the public and the users of forest products, while ensuring the highest standards of sustainable forestry and native biodiversity protection.

SECTION 13. Chapter 132 of the General Laws is hereby amended by deleting in Section 51 the following-
promoting the development and increased use and affordability of biomass and related renewable energy resources demonstrating the role of biomass as a sustainable, renewable energy source addressing the current concerns of air quality, greenhouse emissions, and forest management practices, establishing applied research and development activities that examine and promote best available control technology serving as a depository of information regarding biomass and related renewable energy resources, providing consulting and technology transfer assistance to the public sector in an effort to help public institutions replicate best available practices in incorporating renewable energy strategies into existing and future construction and providing a forum for public education and training regarding renewable energy and related application; and promoting the development and increased use and affordability of biomass and related renewable energy resources demonstrating the role of biomass as a sustainable, renewable energy source addressing the current concerns of air quality, greenhouse emissions, and forest management practices, establishing applied research and development activities that examine and promote the best available control technology serving as a depository of information regarding biomass and related renewable energy resources, providing consulting and technology transfer assistance to the public sector in an effort to help public institutions replicate best available practices in incorporating renewable energy strategies into existing and future construction and providing a forum for public education and training regarding renewable energy and related application.

SECTION 14. Chapter 131 of the General Laws is hereby amended in Section 1 by inserting the following-

“Park”, an area designated by the department of conservation and recreation or division of fisheries and wildlife that conserves unique natural and cultural resources while focusing on
the provision of recreation. Parks range from areas where natural processes dominate to modified environments where use is intensively managed. The timber in Parks shall not be sold, removed, or destroyed. Vegetation management shall be allowed in circumstances where historical and scientific data prove such action is necessary to: ensure public health and safety; support recreational use; provide fire protection and prevention; remove invasive species or pests; maintain or restore recreation sites; restore or protect natural vegetation communities; maintain or stabilize soils, roads and trails, scenic vistas, agricultural fields, lawns, turfs, and greens; or meet other regulatory requirements.

“Reserve”, an area designated by the department of conservation and recreation or division of fisheries and wildlife that conserves intact ecosystems that are influenced primarily by natural processes. Management priorities will include: biodiversity maintenance, nutrient cycling and soil formation, long-term carbon sequestration, protection of late-successional and old growth forest habitats, and opportunities for wilderness recreation. The timber in Reserves shall not be sold, removed, or destroyed. Vegetation management shall be allowed in circumstances where historical and scientific data prove such action is necessary to: ensure public health and safety; provide fire protection and prevention; remove invasive species or pests; restore or protect habitats for rare or endangered species and exemplary or rare natural communities; control erosion and stabilize soils; maintain existing agricultural fields, vistas, and hiking trails; or meet other regulatory requirements. Creation of new fields, vistas, and wildlife openings is prohibited.