

HOUSE No. 1003

The Commonwealth of Massachusetts

PRESENTED BY:

Lindsay N. Sabadosa, (BY REQUEST)

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 Ensure Accountability and Public Rights Regarding Commercial Tree Harvesting on Commonwealth-owned Lands.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Barthold Bouricius</i>		<i>2/19/2021</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>9/30/2021</i>
<i>Natalie M. Blais</i>	<i>1st Franklin</i>	<i>12/14/2021</i>
<i>Adam G. Hinds</i>	<i>Berkshire, Hampshire, Franklin and Hampden</i>	<i>1/31/2022</i>

HOUSE No. 1003

By Ms. Sabadosa of Northampton (by request), a petition (accompanied by bill, House, No. 1003) of Barthold Bouricius for legislation to ensure accountability and public rights regarding commercial tree harvesting on Commonwealth-owned lands. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court
(2021-2022)

An Act to Ensure Accountability and Public Rights Regarding Commercial Tree Harvesting on Commonwealth-owned Lands.

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: Expanded forest policy goals.

2 It is hereby declared that forest management policy on Commonwealth-owned lands shall
3 incorporate the manifold benefits to public welfare that accrue from the protection of the living
4 diversity of forest dependent organisms and from the contribution forests provide in the form of
5 natural carbon sequestration, which is of critical importance in confronting the global threat of
6 climate degradation.

7 SECTION 2: Analysis and disclosure of environmental and climate impacts.

8 All commercial tree harvesting and associated activities on Commonwealth-owned lands
9 and their foreseeable climate impacts shall be subject to Sections 61, 62 and 62b of the
10 Massachusetts Environmental Policy Act, Chapter 30, and shall be the responsibility of the

agency proposing such action. In addition, said harvesting and associated activities shall be considered a significant "greenhouse gas emissions source" and therefore subject to all relevant requirements of the Global Warming Solutions Act, Chapter 21N. Forest management plans shall be evaluated in comparison to passive management and shall incorporate longer-term impacts and the social value of natural carbon sequestration.

SECTION 3. Commercial activity; finding of "essential."

All commercial tree harvesting and associated activities on Commonwealth-owned lands shall be subject to Section 2b of Chapter 132A, and shall be considered "commercial activity." Any such proposed activity shall be analyzed to ensure that it is "essential for the quiet enjoyment of the facilities by the people," and a subsequent finding shall be issued by incorporation into any decision regarding said proposal.

SECTION 4. Public right to participate; incorporation of public comments.

Any person or persons domiciled in the Commonwealth shall have the right to participate in every stage of the planning for all commercial tree harvesting projects on Commonwealth-owned lands. Public comments to proposed projects shall be substantially incorporated, as reasonable.

SECTION 5. Notice of decision.

Any decision to conduct commercial tree harvesting on Commonwealth-owned lands shall be made formal and published in The Environmental Monitor of the Massachusetts Environmental Policy Act Office. All persons who have participated in any part of the planning

process leading up to said decision shall also be individually notified of the decision and the right to appeal as provided in Section Six.

SECTION 6: Right to administrative appeal, individual and collective; appeal process.

If aggrieved by a decision to conduct commercial tree harvesting on Commonwealth-owned lands, any person who has demonstrated engagement in any part of the scoping or planning process shall have the right to appeal the decision as an individual, in accordance with Section 14 of the State Administrative Procedure. Individual appeals must be initiated within thirty days of notice of the decision. In addition, any group of ten or more persons domiciled within the Commonwealth may join together, and in so doing, shall have standing for the purpose of appeal. Group appeals must be initiated within thirty days of publication of the decision in The Environmental Monitor.

The appeal process shall be conducted pursuant to Chapter 30A and in accordance with the Standard Adjudicatory Rules of Practice and Procedure, unless other specific procedures are established by promulgation of regulations as described in Section Eight.

SECTION 7. Standing for Civil action.

Upon exhaustion of the administrative remedies provided in Sections Four and Six, any appellant may combine with any other nine or more persons domiciled in the Commonwealth to file a civil action in the Superior Court for the county of the project site.

SECTION 8: Requirement to promulgate regulations.

50 The Secretary of the Office of Energy and Environmental Affairs or her agent shall
51 promulgate reasonable regulations in accordance with the State Administrative Procedure,
52 Chapter 30A, for the implementation of Sections One through Seven.