HOUSE DOCKET, NO. 2871 FILED ON: 2/18/2021

HOUSE . . . . . No. 912

The Commonwealth of Massachusetts

PRESENTED BY:

Michael J. Finn

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:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Michael J. Finn	*6th Hampden*	*2/18/2021*
Tami L. Gouveia	*14th Middlesex*	*2/26/2021*
Smitty Pignatelli	*4th Berkshire*	*2/26/2021*
Lindsay N. Sabadosa	*1st Hampshire*	*2/26/2021*
Angelo J. Puppolo, Jr.	*12th Hampden*	*3/3/2021*
Michael P. Kushmerek	*3rd Worcester*	*3/4/2021*
Jack Patrick Lewis	*7th Middlesex*	*3/4/2021*
Dylan A. Fernandes	*Barnstable, Dukes and Nantucket*	*3/4/2021*
Carol A. Doherty	*3rd Bristol*	*4/15/2021*
Thomas M. Stanley	*9th Middlesex*	*4/15/2021*
David M. Rogers	*24th Middlesex*	*4/15/2021*
Carmine Lawrence Gentile	*13th Middlesex*	*4/15/2021*
Tram T. Nguyen	*18th Essex*	*4/15/2021*
Susannah M. Whipps	*2nd Franklin*	*4/15/2021*
Adam G. Hinds	*Berkshire, Hampshire, Franklin and Hampden*	*5/21/2021*
Tommy Vitolo	*15th Norfolk*	*5/21/2021*
Kenneth I. Gordon	*21st Middlesex*	*5/21/2021*

Sean Garballey	*23rd Middlesex*	*5/21/2021*
Brian W. Murray	*10th Worcester*	*5/21/2021*
Julian Cyr	*Cape and Islands*	*5/21/2021*
Danillo A. Sena	*37th Middlesex*	*5/21/2021*
Erika Uyterhoeven	*27th Middlesex*	*5/21/2021*
Paul W. Mark	*2nd Berkshire*	*8/11/2021*
Mindy Domb	*3rd Hampshire*	*8/11/2021*
Joanne M. Comerford	*Hampshire, Franklin and Worcester*	*8/11/2021*
Patricia A. Duffy	*5th Hampden*	*12/9/2021*
William J. Driscoll, Jr.	*7th Norfolk*	*12/9/2021*
Sal N. DiDomenico	*Middlesex and Suffolk*	*12/9/2021*
Patrick Joseph Kearney	*4th Plymouth*	*12/9/2021*
Paul F. Tucker	*7th Essex*	*12/9/2021*
Adrian C. Madaro	*1st Suffolk*	*12/9/2021*
Steven Ultrino	*33rd Middlesex*	*1/25/2022*
Vanna Howard	*17th Middlesex*	*3/22/2022*
Nika C. Elugardo	*15th Suffolk*	*4/11/2022*

HOUSE DOCKET, NO. 2871 FILED ON: 2/18/2021

HOUSE . . . . . No. 912

By Mr. Finn of West Springfield, a petition (accompanied by bill, House, No. 912) of Michael J. Finn and others for legislation to establish coordinated management guidelines for public forest lands. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

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

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 132 of the general laws is hereby amended by inserting the following-

Section 1B. The secretary of the Executive Office of Energy and Environmental Affairs shall appoint a "Forest Reserves Scientific Advisory Council," herein after referred to as the Council, to oversee the designation and management of the Forest Reserves, and to suggest additional acquisitions to enhance the ecological value of the Forest Reserve program as a whole. The Council shall consist of eight members, including: the director of the Division of Fisheries and Wildlife or a designee, one expert in the field of plant ecology, one expert in the field of nongame wildlife and endangered species, one member from the Native Plant Trust or the Native Tree Society; one member from the Woodwell Climate Research Center; one member who has technical training and experience in the field of soil or watershed science; and two members of the public with experience in natural area conservation.

The members of the council shall be reimbursed for their necessary expenses incurred in the performance of their duties. Each member shall be appointed for a term of three years, except that for the initial term, three members shall be appointed for one year, three members shall be appointed for two years and two members shall be appointed for three years. Any person appointed to fill a vacancy shall serve for the unexpired term. Any member shall be eligible for reappointment.

The council's duties shall include advising the department on policies and rules and regulations concerning Forest Reserves, consulting with the department regarding the nomination of potential Forest Reserves, assisting in the preparation of a plan for each Forest Reserve, and advising the department on budgetary matters related to such Forest Reserves. The council shall submit a biennial report to the governor on or before May first of such year, describing the condition of each Forest Reserve, outlining any actions taken by the council since the last report, and making any recommendations related to the Forest Reserve program which the council deems necessary.

The department shall hold a public hearing in accordance with the provisions of Chapter 30A, for any substantial Forest Reserve management decisions.

SECTION 2. Chapter 21 of the General Laws is hereby by 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 reservations, parks and forests under the management of the department, regardless of whether such reservations, parks and forests 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 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 3. 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 132A Section 2B 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 of 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, subject to section 1 of Chapter 131.

The commissioner of conservation and recreation, hereinafter referred to as the commissioner, may enter into and issue agreements, licenses and permits for recreational and other uses which he deems compatible and consistent with this section and Article XCVII of the

amendments to the Constitution, provided, however, that such agreements, licenses and permits shall be for periods not exceeding 10 years, and shall be in writing.

This section shall not limit existing rights of any town in relation to water supply purposes or in any way obstruct its taking advantage of such rights.

SECTION 4. 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 sections 40 to 46, inclusive of Chapter 132, 2B of chapter 132A and section 1 of Chapter 131.

SECTION 5. 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 6. 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 7. 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 8. 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 9. 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 10. 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 11. Chapter 132 of the General Laws is hereby amended by deleting in Section 51 the following-

(2) 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; SECTION 12. 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.