

SENATE No. 2235

The Commonwealth of Massachusetts

PRESENTED BY:

Bruce E. Tarr

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>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	
<i>Tami L. Gouveia</i>	<i>14th Middlesex</i>	<i>3/4/2021</i>
<i>Hannah Kane</i>	<i>11th Worcester</i>	<i>3/16/2021</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>6/1/2021</i>

SENATE No. 2235

By Mr. Tarr, a petition (accompanied by bill, Senate, No. 2235) of Bruce E. Tarr, Tami L. Gouveia and Hannah Kane for legislation to sustain natural and working lands carbon in communities. Telecommunications, Utilities and Energy.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 2014 OF 2019-2020.]

The Commonwealth of Massachusetts

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

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

3 “Natural and working lands” are: (i) Land that is actively used by an agricultural owner
4 or operator for an agricultural operation that includes, but need not be limited to, active
5 engagement in farming or ranching, as defined in section 1a of chapter 128 of the general laws;
6 (ii) Land producing forest products; (iii) Lands consisting of forests, grasslands, freshwater and
7 riparian systems, wetlands, coastal and estuarine areas, watersheds, wildlands or wildlife habitat;
8 or (iv) Lands used for recreational purposes, such as parks, urban and community forests, trails,
9 and other similar open space land.

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

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

18 (b) The secretary of energy and environmental affairs shall: (i) conduct a statewide
19 baseline assessment of carbon stock on natural and working lands and track the release of
20 measurable greenhouse gases from and carbon sequestration by natural and working lands, to the
21 maximum extent practicable; (ii) adopt clear statewide goals, indicate expected outcomes, and
22 identify a path to reduce greenhouse gas emissions and increase carbon sequestration on natural
23 and working lands; and (iii) develop a natural and working lands plan, including, but not limited,
24 to recommended policies, programs, grants, loans and incentives and public-private partnerships
25 to meet the statewide goal. Said recommendations shall provide guidance and strategies for state
26 agencies and authorities, municipalities and regional planning agencies to proactively address
27 these measures, including through changes to plans, by-laws, ordinances, regulations and
28 policies. The secretary shall ensure that policies and strategies to reduce greenhouse gas
29 emissions and increase carbon sequestration on natural and working lands contribute to meeting
30 statewide emission limits and complement and enhance efforts for climate change adaptation and
31 resiliency. Said baseline assessment, goal, and plan may be incorporated into the inventory,
32 baseline assessment, plan, and reporting under sections 2 through 5 of chapter 21N of the general

33 laws. The secretary shall issue the plan and provide it to the senate and house committees on
34 ways and means and the joint committee on environment, natural resources and agriculture not
35 later than July 1, 2020 and every fifth year thereafter.

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

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

47 (e) To qualify as a community for a sustainable climate, a municipality or other local
48 governmental body shall comply with eligibility requirements developed by the secretary or his
49 designee. Eligibility requirements are intended to incentivize communities to adopt policies and
50 practices that protect, enhance, and restore carbon stocks on natural and working lands beyond
51 business as usual. The secretary shall set eligibility requirements from among, but not limited to,
52 the following: (1) adopt a municipal tree retention and replacement by-law or ordinance; (2)
53 adopt natural resource protection zoning, as defined by the secretary; (3) collect a reasonable fee
54 to be used exclusively for measures to remedy and offset the generation of greenhouse gases

55 caused by activities that convert forest, wetlands, and agricultural lands for development at a size
56 and scale determined by the secretary; (4) adopt a municipal transfer of development rights by-
57 law or ordinance; and (5) adopt and implement a municipal procurement policy for municipal
58 purchasing and substituting wood products for municipal operations and assets, where feasible,
59 including but not limited to, concrete and steel in buildings. The secretary may waive specified
60 requirements based on a written finding that, due to unusual circumstances, a municipality
61 cannot reasonably meet the requirements and that the municipality has committed to alternative
62 measures that advance the purposes of the communities for a sustainable climate program as
63 effectively as adherence to the requirements. The Secretary may adopt alternative eligibility
64 requirements that provide opportunities to achieve the goals of the program.

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

71 (g) Funding for the communities for a sustainable climate program in any single fiscal
72 year shall be available, without the need for further appropriation, from sources including, but
73 not limited to: (1) the global warming solutions trust fund established in section 35GGG of
74 chapter 10 of the general laws; and (2) land management and restoration grant, loan and
75 incentive programs administered by the executive office of energy and environmental affairs.

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

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

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