HOUSE DOCKET, NO. 1435 FILED ON: 1/18/2023

HOUSE . . . . . No. 798

The Commonwealth of Massachusetts

PRESENTED BY:

Ann-Margaret Ferrante

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 facilitate climate resiliency.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Ann-Margaret Ferrante	*5th Essex*	*1/18/2023*

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HOUSE . . . . . No. 798

By Representative Ferrante of Gloucester, a petition (accompanied by bill, House, No. 798) of Ann-Margaret Ferrante relative to climate resiliency protection projects. Environment and Natural Resources.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

An Act to facilitate climate resiliency.

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. Section 18C(a) of Chapter 91 of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by striking out the word "section" and replacing it with the word "subsection".

SECTION 2. Said section is hereby further amended by inserting after subsection (k) the following section: "(l) Notwithstanding any general or special law to the contrary, the department shall issue a general license authorizing any publicly beneficial climate resiliency project that is designated by a conservation commission, selectmen or mayor under MGL c.131 S. 40."

SECTION 3. Section 40 of Chapter 131 of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by adding in the first paragraph, prior to the word "electric", the words "climate resiliency protection".

SECTION 4. Said section, as so appearing, is hereby further amended in line 231 by inserting after the words “coastal engineering structures,” the following words:- “climate resiliency protection projects,”

SECTION 5. Said section is hereby further amended in line 270 by inserting the following after the word “therewithin”:- “In the case of a publicly beneficial climate resiliency project in support of flood control and storm damage prevention, where temporary or permanent loss of a resource area and/or the conversion of one resource area to another is necessary to the achievement of the project’s resiliency goals, such conditions shall not include a requirement to minimize or mitigate through replication the loss of resource areas. Projects designated by the conservation commission, selectmen, or mayor as publicly beneficial climate resiliency projects shall be eligible for a general permit under a procedure to be established by the Department paralleling that available for ecological restoration projects.”