

SENATE No. 457

The Commonwealth of Massachusetts

PRESENTED BY:

Brendan P. Crighton

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 accelerate and streamline wetlands restoration.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Brendan P. Crighton</i>	<i>Third Essex</i>	
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>2/8/2023</i>
<i>Jacob R. Oliveira</i>	<i>Hampden, Hampshire and Worcester</i>	<i>2/8/2023</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>2/8/2023</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>	<i>2/8/2023</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/14/2023</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>3/13/2023</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	<i>3/23/2023</i>
<i>Susan L. Moran</i>	<i>Plymouth and Barnstable</i>	<i>3/30/2023</i>

SENATE No. 457

By Mr. Crighton, a petition (accompanied by bill, Senate, No. 457) of Brendan P. Crighton, Michael O. Moore, Jacob R. Oliveira, Thomas M. Stanley and other members of the General Court for legislation to accelerate and streamline wetlands restoration. Environment and Natural Resources.

The Commonwealth of Massachusetts

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

An Act to accelerate and streamline wetlands restoration.

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

1 Notwithstanding any special or general law to the contrary, the secretary of energy and
2 environmental affairs shall undertake a Wetlands Restoration Streamlining Initiative to
3 coordinate permitting pathways in support of innovative, nature-based, wetlands restoration
4 projects.

5 The secretary shall designate a coordinator to lead the Initiative. The coordinator shall
6 engage and organize state agencies including, but not limited to, the environmental policy act
7 office, department of environmental protection, office of coastal zone management, division of
8 fisheries and wildlife, natural heritage and endangered species program, division of marine
9 fisheries, and division of ecological restoration, and any relevant federal agencies, to: (a)
10 expedite nature-based wetlands restoration projects and coordinate permits for such projects; (b)
11 align regulatory processes with the commonwealth's climate mitigation, adaptation, and
12 resiliency goals; (c) create a streamlined agency project review process; (d) expedite interagency

13 permitting efforts; (e) limit the trial time of nature-based restoration techniques that have
14 established standards or credible evidence showing benefit and manageable risk; and (f) provide
15 technical assistance and support to state, nonprofit and municipal project proponents to expedite
16 the permitting process to restore wetlands.

17 The coordinator shall also consult experts including academic and practitioner scientists,
18 municipalities, environmental nonprofits, state and federal agencies, and staff administering state
19 resiliency and ecological restoration programs to identify permitting and funding challenges and
20 solutions to streamline and accelerate nature-based restoration projects.

21 The coordinator shall only support nature-based solutions projects as defined by section 1
22 of chapter 21N.

23 In consultation with experts and state agencies, the coordinator shall make the following
24 recommendations: (a) regulatory reforms for nature-based wetlands restoration projects; (b)
25 funding opportunities to address financial barriers and inequities created by state permitting
26 requirements; and, if necessary, (c) recommendations for legislation to authorize such reforms.
27 Reforms may include, but are not limited to, the promulgation of policies, guidelines, waivers,
28 exemptions, and general permits for specific techniques; the clarification and improvement of
29 regulatory definitions; and the adjustment of thresholds and size limits for landscape-scale
30 projects. Reforms shall include a recommendation for a general, unified permitting process for
31 categories of wetlands restoration, including both coastal and freshwater wetlands, designed to
32 enable state permitting to be completed within three months of submission of a complete
33 application.

34 Not later than 90 days after passage of this act, the coordinator shall ensure agency staff
35 have been identified and convened and shall address delays in pending permit applications for
36 salt marsh restoration projects. Not later than 180 days after passage of this act, the coordinator
37 shall produce draft proposals for stakeholders and agency staff, which shall include technical
38 clarifying definitions and interpretations. Not later than 12 months after the passage of this act,
39 the coordinator shall submit final recommendations to the secretary, the house and senate
40 committees on ways and means, and the joint committee on environment, natural resources, and
41 agriculture.