HOUSE DOCKET, NO. 2377 FILED ON: 1/16/2025

HOUSE . . . . . No. 1005

The Commonwealth of Massachusetts

PRESENTED BY:

Joan Meschino

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 investing in natural and working lands.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Joan Meschino	*3rd Plymouth*	*1/16/2025*
Joanne M. Comerford	*Hampshire, Franklin and Worcester*	*1/23/2025*
James B. Eldridge	*Middlesex and Worcester*	*2/10/2025*
Rodney M. Elliott	*16th Middlesex*	*2/6/2025*
James K. Hawkins	*2nd Bristol*	*2/11/2025*
Natalie M. Higgins	*4th Worcester*	*3/16/2025*
Mary S. Keefe	*15th Worcester*	*3/4/2025*
Lindsay N. Sabadosa	*1st Hampshire*	*2/7/2025*
Danillo A. Sena	*37th Middlesex*	*3/13/2025*
Bruce E. Tarr	*First Essex and Middlesex*	*4/2/2025*

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HOUSE . . . . . No. 1005

By Representative Meschino of Hull, a petition (accompanied by bill, House, No. 1005) of Joan Meschino and others relative to preventing the degradation and loss of natural and working lands. Environment and Natural Resources.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act investing in natural and working lands.

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 1 of chapter 21N of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by inserting after the definition of "Nature-based solutions" the following definition:-

"Nature Services", the processes and properties of both natural and human-managed ecosystems that provide human societies with benefits and resources of fundamental value. These services include: resources essential for life, public health, mental and physical health and economic prosperity, such as food, clean water, clean air, shelter, medicines and recreation; stabilizing environmental processes such as biodiversity, purification of air and water, ambient temperatures, flood control, carbon sequestration and storage and nutrient cycling; and cultural services not of direct material benefit.

SECTION 2. Said section 1 of said chapter 21N, as so appearing, is hereby further amended by inserting after the definition of "Person" the following definition:-

"Reforestation", the process of replanting trees in areas depleted by natural or unnatural disturbances such as wildfires, natural disasters, drought, insects, disease, logging, mining, agricultural clearing and development.

SECTION 3. Section 3A of said chapter 21N, as most recently amended by section 59 of chapter 7 of the acts of 2023, is hereby amended by striking out, in line 8, the word "and" and inserting in place thereof the words:- "natural and working lands, and".

SECTION 4. Section 5 of said chapter 21N, as appearing in the 2022 Official Edition, is hereby amended by inserting after the word "policies" in lines 57 and 58 the following words:- , and provided further, that the inventory, baseline assessment, plan and reporting requirements pursuant to this chapter shall also include information about expenditures, participation rates and results from the natural and working lands friendly communities program, as well as recommendations for administrative policies, programs and legislation to improve compliance and to meet these statewide goals;

SECTION 5. Said section 5 of said chapter 21N, as so appearing, is hereby amended by striking out clause (xvi) and inserting in place thereof the following 2 clauses:-

(xvi) include recommendations developed in coordination with the division of local services within the department of revenue for updated expenditures and incentive rates for land conservation, stewardship and ownership programs to ensure they adjust with the value of the land and sufficiently reimburse or incentivize land conservation or stewardship to further these statewide goals; and (xvii) make recommendations for future policy action.

SECTION 6. Said chapter 21N, as so appearing, is hereby amended by adding the following 2 sections:-

Section 13. (a) The commonwealth shall undertake actions under this chapter with the goal of preventing the degradation and loss of natural and working lands, as defined in Section 1 of this chapter, as well as freshwater wetlands and coastal wetlands, as defined in section 40 in chapter 131, and promoting equitable access to nature services. The commonwealth shall seek to avoid, minimize and mitigate the impact of the loss, degradation or conversion of natural and working lands and freshwater wetlands and coastal wetlands, and to promote the full ecological, agricultural, natural, cultural, recreational, public health and economic benefits of the land.

(b) All relevant state agencies shall implement regulations under this chapter in alignment with this section and its policies, including:

(i) Funds and federal grants administered by the commonwealth shall not be used to permanently convert natural and working lands or freshwater wetlands and coastal wetlands to other uses when feasible alternatives are available;

(ii) Agency actions shall encourage the protection of natural and working lands as well as freshwater wetlands and coastal wetlands by avoiding, minimizing and mitigating against the permanent conversion of those lands, by promoting soil, tree and water conservation practices and by promoting public access; and

(iii) Agencies controlling state-owned land or undertaking projects that result in the conversion of natural or working lands to other uses shall coordinate with the executive office of environmental affairs to conduct permitting in a way that sequentially avoids, minimizes and mitigates impacts on people and nature in accordance with the goals of this section.

Section 14. (a) The secretary of the executive office of energy and environmental affairs shall establish a municipal opt-in natural and working lands friendly communities program.

(b) (1) The municipal opt-in natural and working lands friendly communities program shall advance state policy to: (i) prevent the loss of natural and working lands and freshwater wetlands and coastal wetlands; (ii) promote carbon sequestration and storage capacity; (iii) promote strategic reforestation and restoration; (iv) promote nature services, particularly in environmental justice communities; (v) increase food, agricultural, riverine, fishery and shellfish production; and (vi) promote nature-based recreation.

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

(3) The secretary may develop and implement the natural and working lands friendly communities program as a stand-alone program or combine the program with other municipal assistance programs related to environmental justice, climate adaptation, resiliency, mitigation, tree planting or biodiversity.

(c) The secretary shall collect revenues and distribute funds to support eligibility requirements under subsection (e) as provided in this section. Funding for the natural and working lands friendly communities program in any single fiscal year shall be available from sources including, but not limited to, the general fund, trust funds dedicated to climate change, land and environmental purposes, private investments as well as relevant federal programs; and any land management and restoration grant, loan and incentive programs administered by the executive office.

(d) Municipalities shall annually report to the secretary all expenditures of funding received under the program, as well as a summary of the status of bylaws or ordinances required by the program.

(e) (1) To qualify as a natural and working lands friendly community, a municipality or other local governmental body shall comply with a majority of the following eligibility requirements, as chosen by the municipality and approved by the secretary as an appropriate match for each municipality; provided that one of the eligibility requirements shall be the adoption of natural resource protection zoning ordinances or by-laws. The natural resource protection zoning ordinance or bylaw shall exempt the development of housing for family or family members, as defined in section 1 of chapter 188. The secretary shall establish other eligibility requirements, including but not limited to: (i) adoption of a municipal tree retention and replacement by-law or ordinance, as well as ordinances or by-laws to expand or conserve natural tree canopy outside of forests; (ii) adoption of a bylaw assigning a right of first refusal to a local or regional land trust or municipal board when lands protected under chapter 61 are being sold; (iii) having or establishing a local or regional agricultural commission that has the ability to comment on related matters; (iv) including agriculture as a category on all master plans, open space plans and other relevant land use plans; (v) adoption of a municipal right-to-farm by-law; provided that ordinances and by-laws enacted under this subsection may exempt the development of affordable housing, as defined in section 2 of chapter 40R; (vi) adoption of a groundwater protection regulation or a similar impervious surface zoning bylaw that limits the total area of land covered by impervious surfaces to reduce runoff, particularly in areas closest to waters; (vii) a stormwater utility program to fund upgrades to stormwater infrastructure; (viii) a fertilizer bylaw and lawns program that restricts fertilizer use on grass and educates the public

and business-owners on proper lawn care to minimize adverse impacts to natural and working lands and waters; (ix) adoption of a water banking or conservation bylaw to require that either 2 gallons of water be conserved for every gallon used in new development, or adoption of an outdoor water use restriction by-law; (x) adoption of a landscaping bylaw that reduces tree clearing, retains and promotes the planting of native vegetation, loam and rain gardens; and (xi) other municipal programs as determined in partnership between the municipality and the secretary.

(2) Eligibility requirements set under this section shall encourage and assist participating municipalities to achieve the goals under subsection (a) of section 13 of this chapter.

(3) The secretary may modify specified requirements based on a written finding that, due to unusual circumstances, a municipality cannot reasonably meet the requirements and that the municipality has committed to alternative measures that advance the purposes of the natural and working lands friendly communities program in a way that aligns with program requirements. The secretary may also modify requirements based upon municipal income factors or upon environmental justice criteria that make the program requirements overly burdensome for a particular municipality. The secretary may create alternative eligibility requirements that provide opportunities to those municipalities to achieve the goals of the program.

(f) The secretary shall accept applications from municipalities annually. Applications shall be noncompetitive and shall be accepted or denied based only upon whether municipalities have met the eligibility requirements.

(g) The secretary shall provide technical and financial assistance, including incentive payments, grants and loans, to municipalities that qualify for and opt-in as a natural and working

lands friendly community under this section. These incentives, grants and loans may be used to finance all or a portion of the costs of studying, designing and implementing local ordinances or bylaws to prevent the loss of farmland, forest land, trees and freshwater wetlands and coastal wetlands. Upon acceptance into the natural and working lands friendly communities program, grants, incentives and loans may be provided annually. The secretary may also give preference to applications from natural and working lands friendly communities for existing grant programs, as well as waive any required local funding match requirements for those grant programs.

(h) The secretary shall, in coordination with the division of local services within the department of revenue, annually provide municipalities participating in the program a higher rate of reimbursement in lieu of taxes on state-owned land under sections 13 to 17, inclusive, of chapter 58, as determined by the secretary, provided that the additional reimbursement shall also consider the amount of land within that municipality that is state-owned, and shall provide a higher rate of additional reimbursement to municipalities with a higher percentage of state-owned land.

(i) The secretary shall, in coordination with the commissioner of agricultural resources and the division of local services within the department of revenue, annually provide municipalities participating in the program an incentive payment for each parcel of land restricted under chapter 61.

(j) The secretary shall set requirements for recertification to ensure compliance with this section following the first year of acceptance, and 5 years after a municipality is accepted, and every 5 years thereafter. The requirements shall include, but are not limited to, submission of documentation on local bylaws or ordinances implemented and expenditures of funding received

under the program. If a municipality was granted a waiver allowing alternative eligibility requirements, the ability of said municipality to comply with the eligibility requirements in subsection (e) shall be reassessed at each 5 year interval. If the secretary determines the municipality has developed the capacity to meet the eligibility requirements of subsection (e), the waiver will not be extended. This section does not preclude the secretary from determining a municipality is no longer able to meet the requirements of subsection (e) and issue said community a waiver to remain in the program, provided said community demonstrates the presence of equally effective alternative measures as required per subsection (e).

SECTION 7. (a) Not later than July 1, 2026, the environmental policy act office shall determine a meaningful review threshold, scaled for different types of environments, which would require projects engaging in a certain level of permanent conversion of natural and working lands as well as freshwater wetlands and coastal wetlands to undergo an environmental impact review and to sequentially avoid, minimize or, if impacts cannot be avoided or minimized, mitigate impacts to natural and working lands and freshwater wetlands and coastal wetlands. The review threshold shall further the goals under subsection (a) of section 13 of chapter 21N of the General Laws, as inserted by this act.

(b) Not later than July 1, 2025, the environmental policy act office shall develop methodologies for quantifying the greenhouse gas emissions implications of land clearing and farmland development, using regional and peer reviewed data when possible, and potential options for mitigation.

(c) Six months before finalizing the review threshold and methodologies under subsections (a) and (b) of this section, the environmental policy office shall publish a proposed

draft review threshold and proposed draft methodologies and solicit public comment on the proposals. The office shall also solicit comments from the joint committee on environment and natural resources and the joint committee on agriculture. The committees may hold a joint public hearing on the submitted review threshold and methodologies.