HOUSE DOCKET, NO. 2202 FILED ON: 1/15/2025

HOUSE . . . . . No. 952

The Commonwealth of Massachusetts

PRESENTED BY:

Carmine Lawrence Gentile

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 watershed forest protection.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Carmine Lawrence Gentile	*13th Middlesex*	*1/15/2025*
Lindsay N. Sabadosa	*1st Hampshire*	*1/23/2025*
James Arciero	*2nd Middlesex*	*2/21/2025*
James C. Arena-DeRosa	*8th Middlesex*	*3/6/2025*
Joanne M. Comerford	*Hampshire, Franklin and Worcester*	*3/12/2025*
John J. Cronin	*Worcester and Middlesex*	*6/9/2025*
Marjorie C. Decker	*25th Middlesex*	*5/30/2025*
Mindy Domb	*3rd Hampshire*	*11/14/2025*
Paul J. Donato	*35th Middlesex*	*1/6/2026*
Sean Garballey	*23rd Middlesex*	*6/27/2025*
John R. Gaskey	*2nd Plymouth*	*9/7/2025*
James K. Hawkins	*2nd Bristol*	*1/23/2025*
Natalie M. Higgins	*4th Worcester*	*8/14/2025*
Tara T. Hong	*18th Middlesex*	*12/5/2025*
Vanna Howard	*17th Middlesex*	*6/25/2025*
Patricia D. Jehlen	*Second Middlesex*	*4/23/2025*
Patrick Joseph Kearney	*4th Plymouth*	*1/28/2025*
Michael P. Kushmerek	*3rd Worcester*	*3/28/2025*

David Paul Linsky	*5th Middlesex*	*2/18/2025*
Adrian C. Madaro	*1st Suffolk*	*3/5/2026*
Paul W. Mark	*Berkshire, Hampden, Franklin and Hampshire*	*9/11/2025*
Samantha Montaño	*15th Suffolk*	*3/17/2025*
Michael O. Moore	*Second Worcester*	*6/30/2025*
John Francis Moran	*9th Suffolk*	*9/18/2025*
Steven Owens	*29th Middlesex*	*1/21/2026*
Angelo J. Puppolo, Jr.	*12th Hampden*	*8/19/2025*
Sean Reid	*11th Essex*	*12/10/2025*
Amy Mah Sangiolo	*11th Middlesex*	*9/18/2025*
Margaret R. Scarsdale	*1st Middlesex*	*3/24/2025*
Greg Schwartz	*12th Middlesex*	*7/1/2025*
Danillo A. Sena	*37th Middlesex*	*6/25/2025*
Thomas M. Stanley	*9th Middlesex*	*8/27/2025*
Erika Uyterhoeven	*27th Middlesex*	*5/15/2025*

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HOUSE . . . . . No. 952

By Representative Gentile of Sudbury, a petition (accompanied by bill, House, No. 952) of Carmine Lawrence Gentile and others relative to watershed forest protection. Environment and Natural Resources.

The Commonwealth of Massachusetts

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

An Act relative to watershed 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 92A1/2 of the General Laws is hereby amended by replacing Section 2 with the following-

Division of water supply protection.

There shall be within the department a division of water supply protection which shall be subject to chapter 737 of the acts of 1972. The division shall construct, maintain and operate a system of watersheds, reservoirs, water rights and rights in sources of water supply, shall supply thereby a sufficient supply of pure water to the Massachusetts Water Resources Authority, and shall utilize and conserve said water and other natural resources in order to protect, preserve and enhance the environment of the commonwealth and to assure the availability of pure water for future generations. The division shall maintain a visitors' informational center at the Quabbin reservation. All records pertaining to the history of the Swift River and Ware River Valleys, land takings therein, Quabbin Reservoir construction and matters regarding the 4 discontinued towns

and extant adjacent communities shall remain accessible to the public at the Quabbin Reservoir administrative facilities in Belchertown, Massachusetts.

The division of water supply protection shall be under the administrative supervision of a director, who shall be called the director of water supply protection. The director shall be responsible for the watershed system formerly under the care, custody and control of the division of watershed management of the metropolitan district commission, and the watershed system formerly under the care, custody and control of the division of water resources of the department of environmental management.

All watershed lands owned by the Commonwealth shall be designated as Parks or Reserves.

SECTION 2. Chapter 92A½ of the General Laws is hereby amended in Section 1 by inserting the following-

"Park", an area which conserves unique natural and cultural values while focusing on the provision of recreation or facilities maintenance. Parks may have existing modified environments where use is intensively managed. The timber and other natural resources in Parks shall not be sold, removed, or destroyed. Vegetation management shall be allowed 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. The application 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.

"Reserve", an area permanently protected to allow natural processes to prevail with minimal human interference, which conserves intact ecosystems with the goals of ensuring the recovery and protection of mature and old growth forest ecosystems, maintenance of connected habitat blocks and species movement corridors to promote ecosystem resilience, conservation of habitat for threatened and endangered species, long-term carbon sequestration and storage, nutrient cycling and soil formation, preservation of reference sites for scientific research, comparative studies, and long-term monitoring, and opportunities for wild land recreation. No timber or other natural resources shall be sold, removed, or destroyed, provided that active management shall be allowed in circumstances where it is proven that such action is necessary to control erosion and stabilize soils; for invasive species management, to maintain existing agricultural fields, vistas, and hiking trails; or for public health, safety and welfare. Creation of new fields, vistas, and wildlife openings is prohibited. The application 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.

SECTION 3. Chapter 92A½ of the General Laws is hereby amended in Section 2 by inserting the following- The secretary of the Executive Office of Energy and Environmental Affairs shall create a “Reserves Scientific Advisory Council,” hereinafter referred to as the Council, to oversee the designation and management of the Reserves, and to suggest additional acquisitions to enhance the ecological value of the Reserves program as a whole. The Council shall consist of eight members, including: one member from the Harvard Forest or designee, who is an expert in forestry and forest management; one member from the Highstead Foundation or designee, who is an expert in forest ecology; one member from the Center for Biological Diversity or designee, who is an expert in nongame wildlife and endangered species; one

member from the Native Plant Trust or designee, who is an expert in the field of plant ecology; one member from the Woodwell Climate Research Center or designee, who is an expert in climate; one member from the University of Massachusetts who has technical training and experience in the field of soil or watershed science; one member from Friends of the Middlesex Fells Reservation or designee; one member from Friends of Mohawk Trail State Forest or designee.

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 overseeing the policies and rules and regulations concerning Reserves, with consultation of additional qualified scientific advisors requested by the Council, to ensure that Reserves are maintained in their natural state with only minimal human intervention, and then only when proven necessary to preserve ecological integrity or protect public health, safety and welfare, consulting with the department regarding the nomination of potential Reserves, and advising the department on budgetary matters related to such Reserves. The Council shall submit a biennial report to the governor on or before May first of such year, describing the condition of each Reserve, outlining any actions taken by the council since the last report, and making any recommendations related to the 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 management or other activities in designated Reserves.

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 a comprehensive public review, hearing and comment, one or more periodic watershed management plans for the watershed system, which shall have been prepared with the participation the of the Reserves Scientific Advisory Council, additional qualified scientific advisors requested by the Council, and the appropriate watershed advisory committee. 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 and 41 to 46, inclusive of Chapter 132).

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 5. 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 natural wildlife habitat, recreation, protecting and improving air and water quality, and optimizing carbon accumulation.

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.