

HOUSE No.

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 forest protection.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>1/15/2025</i>

HOUSE No.

[Pin Slip]

The Commonwealth of Massachusetts

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

An Act relative to 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:

1 SECTION 1. Chapter 132 of the general laws is hereby amended by inserting the
2 following-

3 The secretary of the Executive Office of Energy and Environmental Affairs shall create a
4 “Reserves Scientific Advisory Council,” hereinafter referred to as the Council, to oversee the
5 designation and management of the Reserves, and to suggest additional acquisitions to enhance
6 the ecological value of the Reserves program as a whole. The Council shall consist of eight
7 members, including: one member from the Harvard Forest or designee, who is an expert in
8 forestry and forest management; one member from the Highstead Foundation or designee, who is
9 an expert in forest ecology; one member from the Center for Biological Diversity or designee,
10 who is an expert in nongame wildlife and endangered species; one member from the Native Plant
11 Trust or designee, who is an expert in the field of plant ecology; one member from the Woodwell
12 Climate Research Center or designee, who is an expert in climate; one member from the
13 University of Massachusetts who has technical training and experience in the field of soil or

14 watershed science; one member from Friends of the Middlesex Fells or designee; one member
15 from Friends of the Mohawk Trail State Forest or designee.

16 The members of the council shall be reimbursed for their necessary expenses incurred in
17 the performance of their duties. Each member shall be appointed for a term of three years, except
18 that for the initial term, three members shall be appointed for one year, three members shall be
19 appointed for two years and two members shall be appointed for three years. Any person
20 appointed to fill a vacancy shall serve for the unexpired term. Any member shall be eligible for
21 reappointment.

22 The council's duties shall include overseeing the policies and rules and regulations
23 concerning Reserves, with consultation of additional qualified scientific advisors requested by
24 the Council, to ensure that Reserves are maintained in their natural state with only minimal
25 human intervention, and then only when proven necessary to preserve ecological integrity or
26 protect public health, safety and welfare, consulting with the department regarding the
27 nomination of potential Reserves, and advising the department on budgetary matters related to
28 such Reserves. The council shall submit a biennial report to the governor on or before May first
29 of such year, describing the condition of each Reserve, outlining any actions taken by the council
30 since the last report, and making any recommendations related to the Reserve program which the
31 council deems necessary.

32 The department shall hold a public hearing in accordance with the provisions of Chapter
33 30A, for any substantial management or other activities in designated Reserves.

34 SECTION 2. Chapter 21 of the General Laws is hereby by amended by replacing Section
35 2F with the following-

36 Management guidelines for public and private forest lands

37 Section 2F. The director of state parks and recreation shall work in cooperation with the
38 director of the division of fisheries and wildlife within the department of fish and game to
39 establish coordinated management guidelines for public forest lands within the departments of
40 conservation and recreation and for sustainable forestry practices on private forest lands. Said
41 guidelines for public forest lands shall include agreements on equipment, personnel transfers,
42 operational costs, and assignment of specific management responsibilities.

43 The commissioner of conservation and recreation shall submit management plans to the
44 stewardship council for the council's adoption with respect to all reservations, parks and forests
45 under the management of the department, regardless of whether such reservations, parks and
46 forests lie within the urban parks district or outside the urban parks district. Said management
47 plans shall include guidelines for the operation and land stewardship or the aforementioned
48 reservations, parks and forests, shall provide for the protection and stewardship of natural and
49 cultural resources and shall ensure consistency between recreation and resource protection. The
50 commissioner shall seek and consider public input in the development of management plans, and
51 shall make draft plans available for a public review and comment period through notice in the
52 Environmental Monitor. Within thirty days of the adoption of such management plans, as
53 amended from time to time, the commissioner shall file a copy of such plans as adopted by the
54 council with the with the state secretary and the joint committee on natural resources and
55 agriculture of the general court. All said management plans shall be subject to section 2B of
56 Chapter 132A and section 1 of Chapter 131.

57 The commissioner of conservation and recreation shall be responsible for implementing
58 said management plans, with due regard for the above requirement.

59 SECTION 3. Chapter 92 of the General Laws is hereby amended by replacing Section 33
60 with the following-

61 Section 33. The division of state parks and recreation, hereinafter referred to as the
62 division, may maintain and make available to the inhabitants of Arlington, Belmont, Boston,
63 Braintree, Brookline, Cambridge, Canton, Chelsea, Dedham, Dover, Everett, Hingham, Hull,
64 Lynn, Malden, Medford, Melrose, Milton, Nahant, Needham, Newton, Quincy, Revere, Saugus,
65 Somerville, Stoneham, Swampscott, Wakefield, Waltham, Watertown, Wellesley, Weston,
66 Westwood, Weymouth, Winchester, and Winthrop, which shall constitute the urban parks
67 district, open spaces for exercise and recreation, in this chapter designated as Parks or Reserves
68 subject to Chapter 132A Section 2B and, for the purposes set forth in this section, the powers of
69 the division shall extend to, and be exercised in, said district.

70 The division may preserve, beautify and care for such public Parks or Reserves, and also,
71 in its discretion and upon such terms as it may approve, such other open spaces within said
72 districts as may be entrusted, given or devised to the Commonwealth for the general purposes of
73 this section of for any one or more of such purposes as the donor may designate.

74 The division may, for the purpose of making the rivers and ponds within said district
75 more available as open spaces for recreation and exercise, regulate the use of certain spaces
76 along or near said rivers and ponds, and care for and maintain spaces so regulated, and plant,
77 care for, maintain or remove trees, shrubs, and growth of any kind within said regulated spaces,
78 subject to section 1 of Chapter 131.

79 The commissioner of conservation and recreation, hereinafter referred to as the
80 commissioner, may enter into and issue agreements, licenses and permits for recreational and
81 other uses which he deems compatible and consistent with this section and Article XCVII of the
82 amendments to the Constitution, provided, however, that such agreements, licenses and permits
83 shall be for periods not exceeding 10 years, and shall be in writing.

84 This section shall not limit existing rights of any town in relation to water supply
85 purposes or in any way obstruct its taking advantage of such rights.

86 SECTION 4. Chapter 92A1/2 of the General Laws is hereby amended by replacing
87 Section 20 with the following-

88 The division shall not contract for services exclusive of consultants performing only
89 those services for the division which regular employees of the division are unable to perform, to
90 accomplish any of its duties nor shall it enter into any interagency agreement for such purpose.
91 Only officers and employees of the division shall perform its duties. All contracts and
92 consultants shall be subject to section 2B of chapter 132A and section 1 of Chapter 131.

93 SECTION 5. Chapter 132 of the General Laws is hereby amended by replacing Section 2
94 with the following-

95 Bequests and gifts; Forest Trust

96 Section 2. The commissioner of environmental management, in this chapter called the
97 commissioner, with the approval of the governor and council, may accept on behalf of the
98 commonwealth bequests or gifts to be used for the purpose of advancing the interest of the
99 commonwealth in forest preservation, under the direction of the governor and council, or for the

100 laying out, construction or maintenance of state trails or paths, in such manner as to carry out the
101 terms of the bequests or gifts. Said trust properties shall be known as the Forest Trust and shall
102 be used and expended under the direction of the commissioner and subject to his orders. Subject
103 to the terms of such grant, gift, devise, or bequest, the commissioner may expend such funds
104 without further appropriation whether principal or income. The commissioner may, subject to the
105 approval of the deed and title by the attorney general, accept on behalf of the commonwealth
106 gifts of land to be held and managed for experiment and illustration in forest preservation,
107 subject to section 2B of Chapter 132A, and in accordance with such other rules and regulations
108 as the commissioner, with the approval of the governor and council, may prescribe. A donor of
109 such land may reserve the right to buy back the land in accordance with such terms and
110 conditions as may be agreed upon by and between such donor and the commissioner; but in the
111 absence of such reservation in his deed of gift he shall not have such right.

112 SECTION 6. Chapter 132 of the General Laws is hereby amended by replacing Section
113 34A with the following-

114 At the request of the commissioner, and after public hearing, the department of public
115 utilities if a location for electric light to serve an existing facility or for public safety or the
116 department of telecommunications and cable if a location for telephone or telegraph lines to
117 serve an existing facility or for public safety may by order alter or revoke and such location
118 whenever in its opinion the public interest or the rights of the commonwealth so require;
119 provided, that before so doing notice of said hearing shall be given to the grantee of the location
120 and all persons interested, and provided, further, that the grantee or any person interested in such
121 order may appeal there from to the governor and council within fourteen days after the filing of a
122 copy of such order as provided in the following paragraph.

123 The commissioner, within fourteen days after granting any such location, shall file a copy
124 of the grant of the same, together with a copy of the order of the department of public utilities or
125 the department of telecommunication and cable that the location is required by public necessity
126 or convenience, in the office of the clerk of the town where the location is granted, and the
127 department of public utilities or the department of telecommunications and cable shall file in the
128 office of said clerk any order altering or revoking such location, and the clerk of such town shall
129 receive and record the same.

130 The lands of the commonwealth now under the care, custody and control of the
131 commissioner or hereafter acquired, and outside the urban park district, shall be designated as
132 Parks or Reserves and shall not be leased, sold or exchanged, or be taken by any corporation,
133 public or private, nor shall the timber thereon be sold, removed or destroyed, except as provided
134 for in section 1 of Chapter 131.

135 The commissioner may not approve or provide for the installation of new commercial
136 solar arrays, wind electricity generating systems, gas pipelines, commercial communications
137 sites, commercial transmissions lines, cellular communications towers, or other such industrial
138 infrastructure; provided that new solar installations will be allowed if they have the primary
139 purpose of supplying electricity to an existing or approved public facility and the added
140 environmental impacts would not be significant, and the installation of new communication
141 hardware or replacement of existing communications hardware on existing fire towers or
142 communications sites will be allowed if they would not have significant environmental impacts.

143 SECTION 7. Chapter 132A of the General Laws is hereby amended by replacing Section
144 1F with the following-

145 The bureau of forestry shall, under the supervision of the director, with the approval of
146 the commissioner perform such duties as respects the preservation of forest or wooded areas
147 under the control of the department; provided that such lands shall be designated as Parks or
148 Reserves and shall not be leased, sold, or exchanged, or be taken by any corporation, public or
149 private, nor shall the timber thereon be sold, removed, or destroyed, except as provided for in
150 section 1 of Chapter 131. It shall be responsible for such other duties as are now vested in the
151 division of forestry by the general laws or any special laws and shall be responsible for shade
152 tree management, arboricultural service, and insect suppression of public nuisances as defined in
153 section eleven of chapter one hundred and thirty two, subject to the approval of the director and,
154 notwithstanding the provisions of any general or special law to the contrary, the bureau may
155 require all tree spraying or other treatment performed by other departments, agencies, or political
156 subdivisions to be carried out under its direction; provided that the spraying of pesticides or
157 herbicides shall not be permitted unless there is a clear threat to public health and safety, as
158 determined by the Massachusetts Department of Public Health. The bureau may promulgate
159 rules and regulations to carry out its duties and powers. It shall assume the responsibilities of
160 section one A of chapter one hundred and thirty two and shall be responsible for such other
161 duties as are not otherwise vested in the division of forestry; provided, however, that all personal
162 of the forest, fire, shade tree and pest control units in their respective collective bargaining units
163 at the time of this consolidation to the bureau of forestry shall remain in their respective
164 collective bargaining units.

165 SECTION 8. Chapter 132A of the General Laws is hereby amended by replacing Section
166 2B with the following-

167 It is hereby declared to be the policy of the commonwealth that all lands of the
168 commonwealth now under the care, custody, and control of the commissioner or hereafter
169 acquired shall in so far as practicable be preserved in their natural state and that no commercial
170 activities except those essential to the quiet enjoyment of the facilities by the people shall be
171 permitted. All such lands shall be designated as Parks or Reserves and shall not be leased, sold,
172 or exchanged, or be taken by any corporation, public or private, nor shall the timber thereon be
173 sold, removed or destroyed, except as provided for in section 1 of Chapter 131.

174 SECTION 9. Chapter 132 of the General Laws is hereby amended by replacing Section
175 40 with the following-

176 Section 40. It is hereby declared that the public welfare requires the rehabilitation,
177 maintenance, and protection of forest lands for the purpose of conserving water, preventing
178 floods and soil erosion, improving the conditions for wildlife and recreation, protecting and
179 improving air and water quality, and optimizing carbon sequestration.

180 Therefore, it is hereby declared to be the policy of the commonwealth that all lands
181 devoted to forest growth shall be kept in such condition as shall not jeopardize the public
182 interests, and that the policy of the commonwealth shall further be one of cooperation with the
183 landowners and other agencies interested in forestry practices for the proper and profitable
184 management of all forest lands in the interest of the owner, the public and the users of forest
185 products, while ensuring the highest standards of sustainable forestry and native biodiversity
186 protection.

187 SECTION 10. Chapter 132 of the General Laws is hereby amended by deleting in
188 Section 51 the following-

189 (2) promoting the development and increased use and affordability of biomass and related
190 renewable energy resources demonstrating the role of biomass as a sustainable, renewable
191 energy source addressing the current concerns of air quality, greenhouse emissions, and forest
192 management practices, establishing applied research and development activities that examine
193 and promote best available control technology serving as a depository of information regarding
194 biomass and related renewable energy resources, providing consulting and technology transfer
195 assistance to the public sector in an effort to help public institutions replicate best available
196 practices in incorporating renewable energy strategies into existing and future construction and
197 providing a forum for public education and training regarding renewable energy and related
198 application;

199 SECTION 12. Chapter 131 of the General Laws is hereby amended in Section 1 by
200 inserting the following-

201 “Park”, an area which conserves unique natural and cultural values while focusing on the
202 provision of recreation or facilities maintenance. Parks may have existing modified environments
203 where use is intensively managed. The timber and other natural resources in Parks shall not be
204 sold, removed, or destroyed. Vegetation management shall be allowed to ensure public health
205 and safety; support recreational use; provide fire protection and prevention; remove invasive
206 species or pests; maintain or restore recreation sites; restore or protect natural vegetation
207 communities; maintain or stabilize soils, roads and trails, scenic vistas, agricultural fields, lawns,
208 turfs, and greens; or meet other regulatory requirements. The application of pesticides or
209 herbicides shall not be permitted unless there is a clear threat to public health and safety, as
210 determined by the Massachusetts Department of Public Health.

211 "Reserve", an area permanently protected to allow natural processes to prevail with
212 minimal human interference, which conserves intact ecosystems with the goals of ensuring the
213 recovery and protection of mature and old growth forest ecosystems, maintenance of connected
214 habitat blocks and species movement corridors to promote ecosystem resilience, conservation of
215 habitat for threatened and endangered species, long-term carbon sequestration and storage,
216 nutrient cycling and soil formation, preservation of reference sites for scientific research,
217 comparative studies, and long-term monitoring, and opportunities for wildland recreation. No
218 timber or other natural resources shall be sold, removed, or destroyed, provided that active
219 management shall be allowed in circumstances where it is proven that such action is necessary to
220 control erosion and stabilize soils; for invasive species management, to maintain existing
221 agricultural fields, vistas, and hiking trails; or for public health, safety and welfare. Creation of
222 new fields, vistas, and wildlife openings is prohibited. The application of pesticides or herbicides
223 shall not be permitted unless there is a clear threat to public health and safety, as determined by
224 the Massachusetts Department of Public Health.