

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>1/10/2025</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 Section 1B. The secretary of the Executive Office of Energy and Environmental Affairs
4 shall appoint a “Forest Reserves Scientific Advisory Council,” herein after referred to as the
5 Council, to oversee the designation and management of the Forest Reserves, and to suggest
6 additional acquisitions to enhance the ecological value of the Forest Reserve program as a whole.
7 The Council shall consist of eight members, including: the Commissionner of the Department of
8 Conservation and Recreation or a designee, the director of the Division of Fisheries and Wildlife
9 or a designee, one expert in the field of plant ecology, one expert in the field of nongame wildlife
10 and endangered species, one member from the Native Plant Trust or the Native Tree Society; one
11 member from the Woodwell Climate Research Center; one member who has technical training
12 and experience in the field of soil or watershed science; and two members of the public with
13 experience in natural area conservation.

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

20 The council's duties shall include advising the department on policies and rules and
21 regulations concerning Forest Reserves, consulting with the department regarding the
22 nomination of potential Forest Reserves, assisting in the preparation of a plan for each Forest
23 Reserve, and advising the department on budgetary matters related to such Forest Reserves. The
24 council shall submit a biennial report to the governor on or before May first of such year,
25 describing the condition of each Forest Reserve, outlining any actions taken by the council since
26 the last report, and making any recommendations related to the Forest Reserve program which
27 the council deems necessary.

28 The department shall hold a public hearing in accordance with the provisions of Chapter
29 30A, for any substantial Forest Reserve management decisions.

30 SECTION 2. Chapter 21 of the General Laws is hereby by amended by replacing Section
31 2F with the following-

32 Management guidelines for public and private forest lands

33 Section 2F. The director of state parks and recreation shall work in cooperation with the
34 director of the division of fisheries and wildlife within the department of fish and game to
35 establish coordinated management guidelines for public forest lands within the departments of

36 conservation and recreation and for sustainable forestry practices on private forest lands. Said
37 guidelines for public forest lands shall include agreements on equipment, personnel transfers,
38 operational costs, and assignment of specific management responsibilities.

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

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

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

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

66 The division may preserve, beautify and care for such public parks or reserves, and also,
67 in its discretion and upon such terms as it may approve, such other open spaces within said
68 districts as may be entrusted, given or devised to the Commonwealth for the general purposes of
69 this section of for any one or more of such purposes as the donor may designate.

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

75 The commissioner of conservation and recreation, hereinafter referred to as the
76 commissioner, may enter into and issue agreements, licenses and permits for recreational and
77 other uses which he deems compatible and consistent with this section and Article XCVII of the

78 amendments to the Constitution, provided, however, that such agreements, licenses and permits
79 shall be for periods not exceeding 10 years, and shall be in writing.

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

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

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

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

91 Bequests and gifts; Forest Trust

92 Section 2. The commissioner of environmental management, in this chapter called the
93 commissioner, with the approval of the governor and council, may accept on behalf of the
94 commonwealth bequests or gifts to be used for the purpose of advancing the interest of the
95 commonwealth in forest preservation, under the direction of the governor and council, or for the
96 laying out, construction or maintenance of state trails or paths, in such manner as to carry out the
97 terms of the bequests or gifts. Said trust properties shall be known as the Forest Trust and shall
98 be used and expended under the direction of the commissioner and subject to his orders. Subject

99 to the terms of such grant, gift, devise, or bequest, the commissioner may expend such funds
100 without further appropriation whether principal or income. The commissioner may, subject to the
101 approval of the deed and title by the attorney general, accept on behalf of the commonwealth
102 gifts of land to be held and managed for experiment and illustration in forest preservation,
103 subject to section 2B of Chapter 132A, and in accordance with such other rules and regulations
104 as the commissioner, with the approval of the governor and council, may prescribe. A donor of
105 such land may reserve the right to buy back the land in accordance with such terms and
106 conditions as may be agreed upon by and between such donor and the commissioner; but in the
107 absence of such reservation in his deed of gift he shall not have such right.

108 SECTION 6. Chapter 132 of the General Laws is hereby amended by replacing Section
109 34A with the following-

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

119 The commissioner, within fourteen days after granting any such location, shall file a copy
120 of the grant of the same, together with a copy of the order of the department of public utilities or

121 the department of telecommunication and cable that the location is required by public necessity
122 or convenience, in the office of the clerk of the town where the location is granted, and the
123 department of public utilities or the department of telecommunications and cable shall file in the
124 office of said clerk any order altering or revoking such location, and the clerk of such town shall
125 receive and record the same.

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

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

139 SECTION 7. Chapter 132A of the General Laws is hereby amended by replacing Section
140 1F with the following-

141 The bureau of forestry shall, under the supervision of the director, with the approval of
142 the commissioner perform such duties as respects the preservation of forest or wooded areas

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

161 SECTION 8. Chapter 132A of the General Laws is hereby amended by replacing Section
162 2B with the following-

163 It is hereby declared to be the policy of the commonwealth that all lands of the
164 commonwealth now under the care, custody, and control of the commissioner or hereafter
165 acquired shall in so far as practicable be preserved in their natural state and that no commercial

166 activities except those essential to the quiet enjoyment of the facilities by the people shall be
167 permitted. All such lands shall be designated as parks or reserves and shall not be leased, sold, or
168 exchanged, or be taken by any corporation, public or private, nor shall the timber thereon be
169 sold, removed or destroyed, except as provided for in section 1 of Chapter 131.

170 SECTION 9. Chapter 132 of the General Laws is hereby amended by replacing Section
171 40 with the following-

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

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

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

185 (2) promoting the development and increased use and affordability of biomass and related
186 renewable energy resources demonstrating the role of biomass as a sustainable, renewable
187 energy source addressing the current concerns of air quality, greenhouse emissions, and forest

188 management practices, establishing applied research and development activities that examine
189 and promote best available control technology serving as a depository of information regarding
190 biomass and related renewable energy resources, providing consulting and technology transfer
191 assistance to the public sector in an effort to help public institutions replicate best available
192 practices in incorporating renewable energy strategies into existing and future construction and
193 providing a forum for public education and training regarding renewable energy and related
194 application; SECTION 12. Chapter 131 of the General Laws is hereby amended in Section 1 by
195 inserting the following-

196 “Park”, an area designated by the department of conservation and recreation or division
197 of fisheries and wildlife that conserves unique natural and cultural resources while focusing on
198 the provision of recreation. Parks range from areas where natural processes dominate to modified
199 environments where use is intensively managed. The timber in Parks shall not be sold, removed,
200 or destroyed. Vegetation management shall be allowed in circumstances where historical and
201 scientific data prove such action is necessary to: ensure public health and safety; support
202 recreational use; provide fire protection and prevention; remove invasive species or pests;
203 maintain or restore recreation sites; restore or protect natural vegetation communities; maintain
204 or stabilize soils, roads and trails, scenic vistas, agricultural fields, lawns, turfs, and greens; or
205 meet other regulatory requirements.

206 “Reserve”, an area designated by the department of conservation and recreation or
207 division of fisheries and wildlife that conserves intact ecosystems that are influenced primarily
208 by natural processes. Management priorities will include: biodiversity maintenance, nutrient
209 cycling and soil formation, long-term carbon sequestration, protection of late-successional and
210 old growth forest habitats, and opportunities for wilderness recreation. The timber in Reserves

211 shall not be sold, removed, or destroyed. Vegetation management shall be allowed in
212 circumstances where historical and scientific data prove such action is necessary to: ensure
213 public health and safety; provide fire protection and prevention; remove invasive species or
214 pests; restore or protect habitats for rare or endangered species and exemplary or rare natural
215 communities; control erosion and stabilize soils; maintain existing agricultural fields, vistas, and
216 hiking trails; or meet other regulatory requirements. Creation of new fields, vistas, and wildlife
217 openings is prohibited.