SENATE DOCKET, NO. 1669 FILED ON: 1/16/2025

SENATE . . . . . No. 549

The Commonwealth of Massachusetts

PRESENTED BY:

Joanne M. Comerford

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:	
Joanne M. Comerford	*Hampshire, Franklin and Worcester*	
James B. Eldridge	*Middlesex and Worcester*	*2/10/2025*
James K. Hawkins	*2nd Bristol*	*2/11/2025*
Jason M. Lewis	*Fifth Middlesex*	*2/13/2025*
Michael O. Moore	*Second Worcester*	*2/20/2025*
Sal N. DiDomenico	*Middlesex and Suffolk*	*2/20/2025*
Bruce E. Tarr	*First Essex and Middlesex*	*4/4/2025*

SENATE DOCKET, NO. 1669 FILED ON: 1/16/2025

SENATE . . . . . No. 549

By Ms. Comerford, a petition (accompanied by bill, Senate, No. 549) of Joanne M. Comerford, James B. Eldridge, James K. Hawkins, Jason M. Lewis and other members of the General Court for legislation to invest in natural and working lands. Environment and Natural Resources.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *448* OF 2023-2024.]

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.

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

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

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

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

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

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

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

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

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

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

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

76 any land management and restoration grant, loan and incentive programs administered by the
77 executive office.

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

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

99 waters; (vii) a stormwater utility program to fund upgrades to stormwater infrastructure; (viii) a
100 fertilizer bylaw and lawns program that restricts fertilizer use on grass and educates the public
101 and business-owners on proper lawn care to minimize adverse impacts to natural and working
102 lands and waters; (ix) adoption of a water banking or conservation bylaw to require that either 2
103 gallons of water be conserved for every gallon used in new development, or adoption of an
104 outdoor water use restriction by-law; (x) adoption of a landscaping bylaw that reduces tree
105 clearing, retains and promotes the planting of native vegetation, loam and rain gardens; and (xi)
106 other municipal programs as determined in partnership between the municipality and the
107 secretary.

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

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

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

121 (g) The secretary shall provide technical and financial assistance, including incentive
122 payments, grants and loans, to municipalities that qualify for and opt-in as a natural and working
123 lands friendly community under this section. These incentives, grants and loans may be used to
124 finance all or a portion of the costs of studying, designing and implementing local ordinances or
125 bylaws to prevent the loss of farmland, forest land, trees and freshwater wetlands and coastal
126 wetlands. Upon acceptance into the natural and working lands friendly communities program,
127 grants, incentives and loans may be provided annually. The secretary may also give preference to
128 applications from natural and working lands friendly communities for existing grant programs,
129 as well as waive any required local funding match requirements for those grant programs.

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

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

141 (j) The secretary shall set requirements for recertification to ensure compliance with this
142 section following the first year of acceptance, and 5 years after a municipality is accepted, and

143 every 5 years thereafter. The requirements shall include, but are not limited to, submission of
144 documentation on local bylaws or ordinances implemented and expenditures of funding received
145 under the program. If a municipality was granted a waiver allowing alternative eligibility
146 requirements, the ability of said municipality to comply with the eligibility requirements in
147 subsection (e) shall be reassessed at each 5 year interval. If the secretary determines the
148 municipality has developed the capacity to meet the eligibility requirements of subsection (e), the
149 waiver will not be extended. This section does not preclude the secretary from determining a
150 municipality is no longer able to meet the requirements of subsection (e) and issue said
151 community a waiver to remain in the program, provided said community demonstrates the
152 presence of equally effective alternative measures as required per subsection (e).

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

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

165 (c) Six months before finalizing the review threshold and methodologies under
166 subsections (a) and (b) of this section, the environmental policy office shall publish a proposed
167 draft review threshold and proposed draft methodologies and solicit public comment on the
168 proposals. The office shall also solicit comments from the joint committee on environment and
169 natural resources and the joint committee on agriculture. The committees may hold a joint public
170 hearing on the submitted review threshold and methodologies.