

**HOUSE . . . . . No. 912**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Michael J. Finn***

*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>Michael J. Finn</i>	<i>6th Hampden</i>	<i>2/18/2021</i>
<i>Tami L. Gouveia</i>	<i>14th Middlesex</i>	<i>2/26/2021</i>
<i>Smitty Pignatelli</i>	<i>4th Berkshire</i>	<i>2/26/2021</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/26/2021</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	<i>3/3/2021</i>
<i>Michael P. Kushmerek</i>	<i>3rd Worcester</i>	<i>3/4/2021</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>3/4/2021</i>
<i>Dylan A. Fernandes</i>	<i>Barnstable, Dukes and Nantucket</i>	<i>3/4/2021</i>

**HOUSE . . . . . No. 912**

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By Mr. Finn of West Springfield, a petition (accompanied by bill, House, No. 912) of Michael J. Finn and others for legislation to establish coordinated management guidelines for public forest lands. Environment, Natural Resources and Agriculture.

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-Second General Court  
(2021-2022)**  
\_\_\_\_\_

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 director of the Division of Fisheries  
8 and Wildlife or a designee, one expert in the field of plant ecology, one expert in the field of  
9 nongame wildlife and endangered species, one member from the Native Plant Trust or the Native  
10 Tree Society; one member from the Woodwell Climate Research Center; one member who has  
11 technical training and experience in the field of soil or watershed science; and two members of  
12 the public with experience in natural area conservation.

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

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

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

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

31           Management guidelines for public and private forest lands

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

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

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

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

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

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

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

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

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

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

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

81 SECTION 4. Chapter 92A1/2 of the General Laws is hereby amended by replacing  
82 Section 16 with the following-

83 Section 16. The commissioner shall at least once every five years, adopt after public  
84 review, hearing and comment, one or more periodic watershed management plans for the  
85 watershed system, which shall have been prepared with the participation of a professionally  
86 qualified ecologist, wildlife biologist, aquatic biologist, botanist, soil scientist, and climate  
87 scientist, and the appropriate watershed advisory committee, and with broad public review and  
88 comment. Any watershed management plan shall provide for, but need not be limited to, the  
89 protection of forests, fish and wildlife, soils, and water quality, the maximization of carbon  
90 storage, consideration of the impacts of climate change, water yield enhancement and  
91 recreational activities. All watershed lands shall be designated as parks or reserves, and  
92 management activities shall be subject to sections 40 to 46, inclusive of Chapter 132, 2B of  
93 chapter 132A and section 1 of Chapter 131.

94 SECTION 5. Chapter 92A1/2 of the General Laws is hereby amended by replacing  
95 Section 20 with the following-

96 The division shall not contract for services exclusive of consultants performing only  
97 those services for the division which regular employees of the division are unable to perform, to  
98 accomplish any of its duties nor shall it enter into any interagency agreement for such purpose.

99 Only officers and employees of the division shall perform its duties. All contracts and  
100 consultants shall be subject to section 2B of chapter 132A and section 1 of Chapter 131.

101 SECTION 6. Chapter 132 of the General Laws is hereby amended by replacing Section 2  
102 with the following-

103 Bequests and gifts; Forest Trust

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

120 SECTION 7. Chapter 132 of the General Laws is hereby amended by replacing Section  
121 34A with the following-

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

131 The commissioner, within fourteen days after granting any such location, shall file a copy  
132 of the grant of the same, together with a copy of the order of the department of public utilities or  
133 the department of telecommunication and cable that the location is required by public necessity  
134 or convenience, in the office of the clerk of the town where the location is granted, and the  
135 department of public utilities or the department of telecommunications and cable shall file in the  
136 office of said clerk any order altering or revoking such location, and the clerk of such town shall  
137 receive and record the same.

138 The lands of the commonwealth now under the care, custody and control of the  
139 commissioner or hereafter acquired, and outside the urban park district, shall be designated as  
140 parks or reserves and shall not be leased, sold or exchanged, or be taken by any corporation,

141 public or private, nor shall the timber thereon be sold, removed or destroyed, except as provided  
142 for in section 1 of Chapter 131.

143 The commissioner may not approve or provide for the installation of new commercial  
144 solar arrays, wind electricity generating systems, gas pipelines, commercial communications  
145 sites, commercial transmissions lines, cellular communications towers, or other such industrial  
146 infrastructure; provided that new solar installations will be allowed if they have the primary  
147 purpose of supplying electricity to an existing or approved public facility and the added  
148 environmental impacts would not be significant, and the installation of new communication  
149 hardware or replacement of existing communications hardware on existing fire towers or  
150 communications sites will be allowed if they would not have significant environmental impacts.

151 SECTION 8. Chapter 132A of the General Laws is hereby amended by replacing Section  
152 1F with the following-

153 The bureau of forestry shall, under the supervision of the director, with the approval of  
154 the commissioner perform such duties as respects the preservation of forest or wooded areas  
155 under the control of the department; provided that such lands shall be designated as parks or  
156 reserves and shall not be leased, sold, or exchanged, or be taken by any corporation, public or  
157 private, nor shall the timber thereon be sold, removed, or destroyed, except as provided for in  
158 section 1 of Chapter 131. It shall be responsible for such other duties as are now vested in the  
159 division of forestry by the general laws or any special laws and shall be responsible for shade  
160 tree management, arboricultural service, and insect suppression of public nuisances as defined in  
161 section eleven of chapter one hundred and thirty two, subject to the approval of the director and,  
162 notwithstanding the provisions of any general or special law to the contrary, the bureau may

163 require all tree spraying or other treatment performed by other departments, agencies, or political  
164 subdivisions to be carried out under its direction; provided that the spraying of pesticides or  
165 herbicides shall not be permitted unless there is a clear threat to public health and safety, as  
166 determined by the Massachusetts Department of Public Health. The bureau may promulgate  
167 rules and regulations to carry out its duties and powers. It shall assume the responsibilities of  
168 section one A of chapter one hundred and thirty two and shall be responsible for such other  
169 duties as are not otherwise vested in the division of forestry; provided, however, that all personal  
170 of the forest, fire, shade tree and pest control units in their respective collective bargaining units  
171 at the time of this consolidation to the bureau of forestry shall remain in their respective  
172 collective bargaining units.

173 SECTION 9. Chapter 132A of the General Laws is hereby amended by replacing Section  
174 2B with the following-

175 It is hereby declared to be the policy of the commonwealth that all lands of the  
176 commonwealth now under the care, custody, and control of the commissioner or hereafter  
177 acquired shall in so far as practicable be preserved in their natural state and that no commercial  
178 activities except those essential to the quiet enjoyment of the facilities by the people shall be  
179 permitted. All such lands shall be designated as parks or reserves and shall not be leased, sold, or  
180 exchanged, or be taken by any corporation, public or private, nor shall the timber thereon be  
181 sold, removed or destroyed, except as provided for in section 1 of Chapter 131.

182 SECTION 10. Chapter 132 of the General Laws is hereby amended by replacing Section  
183 40 with the following-

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

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

195 SECTION 11. Chapter 132 of the General Laws is hereby amended by deleting in  
196 Section 51 the following-

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

206 application; SECTION 12. Chapter 131 of the General Laws is hereby amended in Section 1 by  
207 inserting the following-

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

218 “Reserve”, an area designated by the department of conservation and recreation or  
219 division of fisheries and wildlife that conserves intact ecosystems that are influenced primarily  
220 by natural processes. Management priorities will include: biodiversity maintenance, nutrient  
221 cycling and soil formation, long-term carbon sequestration, protection of late-successional and  
222 old growth forest habitats, and opportunities for wilderness recreation. The timber in Reserves  
223 shall not be sold, removed, or destroyed. Vegetation management shall be allowed in  
224 circumstances where historical and scientific data prove such action is necessary to: ensure  
225 public health and safety; provide fire protection and prevention; remove invasive species or  
226 pests; restore or protect habitats for rare or endangered species and exemplary or rare natural  
227 communities; control erosion and stabilize soils; maintain existing agricultural fields, vistas, and

228 hiking trails; or meet other regulatory requirements. Creation of new fields, vistas, and wildlife  
229 openings is prohibited.