

SENATE No. 456

The Commonwealth of Massachusetts

PRESENTED BY:

Brendan P. Crighton

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 to facilitate climate resiliency.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Brendan P. Crighton</i>	<i>Third Essex</i>	
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	<i>1/27/2023</i>
<i>Marc R. Pacheco</i>	<i>Third Bristol and Plymouth</i>	<i>1/27/2023</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>1/30/2023</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>2/8/2023</i>
<i>Mathew J. Muratore</i>	<i>1st Plymouth</i>	<i>2/24/2023</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>	<i>2/24/2023</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>3/6/2023</i>

SENATE No. 456

By Mr. Crighton, a petition (accompanied by bill, Senate, No. 456) of Brendan P. Crighton, Angelo J. Puppolo, Jr., Marc R. Pacheco, Jack Patrick Lewis and other members of the General Court for legislation to facilitate climate resiliency. Environment and Natural Resources.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act to facilitate climate resiliency.

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. Section 18C(a) of Chapter 91 of the General Laws, as appearing in the 2020
2 Official Edition, is hereby amended in line 9 by striking out the word “section” and replacing it
3 with the word “subsection”.

4 SECTION 2. Said section is hereby further amended by inserting after subsection (k) the
5 following section: “(l) Notwithstanding any general or special law to the contrary, the
6 department shall issue a general license authorizing any publicly beneficial climate resiliency
7 project that is designated by a conservation commission, selectmen or mayor under MGL c.131
8 S. 40.”

9 SECTION 3. Section 40 of Chapter 131 of the General Laws, as appearing in the 2020
10 Official Edition, is hereby amended by adding in the first paragraph, prior to the word “electric”,
11 the words “climate resiliency protection”.

12 SECTION 4. Said section, as so appearing, is hereby further amended in line 231 by
13 inserting after the words “coastal engineering structures,” the following words:- “climate
14 resiliency protection projects,”

15 SECTION 5. Said section is hereby further amended in line 270 by inserting the
16 following after the word “therewithin”:- “In the case of a publicly beneficial climate resiliency
17 project in support of flood control and storm damage prevention, where temporary or permanent
18 loss of a resource area and/or the conversion of one resource area to another is necessary to the
19 achievement of the project’s resiliency goals, such conditions shall not include a requirement to
20 minimize or mitigate through replication the loss of resource areas. Projects designated by the
21 conservation commission, selectmen, or mayor as publicly beneficial climate resiliency projects
22 shall be eligible for a general permit under a procedure to be established by the Department
23 paralleling that available for ecological restoration projects.”