HOUSE . . . . . No. 5510

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, June 16, 2026.

The committee on Ways and Means, to whom was referred the Senate Bill to build resilience for Massachusetts communities (Senate, No. 3064), reports recommending that the same ought to pass with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 5510 [Bond Issue: General Obligation Bonds: $3,078,457,500.00].

For the committee,

AARON MICHLEWITZ.

HOUSE . . . . . No. 5510

The Commonwealth of Massachusetts

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

By striking out all after the enacting clause and inserting in place thereof the following:–

SECTION 1. To provide for a program of climate change adaptation, resiliency and the preservation and improvement of environmental and recreation assets of the commonwealth, sections 2 to 2G, inclusive, for the several purposes and subject to the conditions specified in this act, are hereby made available, subject to the laws regulating the disbursement of public funds. These sums shall be in addition to any amounts previously authorized and made available for the purposes of those items. The sums set forth in sections 2 to 2G, inclusive, shall be made available until June 30, 2032.

SECTION 2.

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS

Department of Conservation and Recreation

2800-1123 For the acquisition of land and interests in land by the department of conservation and recreation and for associated costs including planning, study, due diligence, title and appraisal services, site restoration and stewardship including, but not limited to, coastal land acquisition and securing access to protected coastal lands and lands to provide for the inland

movement of coastal habitats; provided, that funds may be used for capital investments related to the stewardship of the land; and provided further, that funds may be used for the restoration and reclamation of acquired land, including demolition of structures, removal of debris, eradication of non-native species and other services essential to these reclamation efforts……...$40,000,000

2800-7024 For a forestry and tree planting program for projects throughout the commonwealth including, but not limited to, the evaluation and planning of forestry and tree planting projects, tree stock, planting and associated costs; provided, that the secretary of energy and environmental affairs shall grant priority to the planting of trees that are in areas: (i) experiencing heat island effects; (ii) underserved with tree cover; (iii) with disadvantaged populations; (iv) affected by severe weather events or insect infestation; (v) where aquifers, recharge areas, wells, reservoirs and other water bodies are located that will improve and protect water quality as part of a natural ecosystem; and (vi) that will further climate change mitigation, adaptation and resiliency strategies; provided, that the secretary may provide guidance for coordination between municipal and utility stakeholders on incorporating utility gas leaks data into planning for street tree planting projects and for testing street tree pits for methane before planting; and provided further, that funds from this item may be expended to provide grants, technical assistance or other support to landowners to undertake capital projects including, but not limited to, sustainable forest management and long-term conservation practices, to protect the ecological integrity of the commonwealth's forestlands under the Forests as Climate Solutions initiative…….……...$20,000,000

2800-7026 For the: (i) design, construction, maintenance, repair, removal and improvements of state-owned or abandoned dams identified by the office of dam safety, including improvements to the aquatic habitat, inland flood control projects and projects for

related facilities and equipment; (ii) design, construction, maintenance, repair or improvement of the department of conservation and recreation's coastal and marine infrastructure and coastal ecological resources including, but not limited to, shore protection, docks, piers, culverts, beaches, dunes and salt marshes; and (iii) navigational and ecological performance of the commonwealth's tidal and nontidal waterways; provided, that the department of conservation and recreation shall give priority to dams and flood control projects that pose the greatest risk to public health or safety, or to the environment; provided further, that the secretary of energy and environmental affairs may provide guidance for planning, prioritizing, selecting and implementing projects in furtherance of the goals of the state hazard mitigation and climate change adaptation plan…….……..$308,100,000

2840-7028 For the study, planning, permitting, design, construction, reconstruction, repair, removal, demolition, improvement, furnishing, equipping or rehabilitating of department of conservation and recreation properties including, but not limited to, reservations, facilities infrastructure, forests, parks, campgrounds, comfort stations, harbor islands, skating rinks, skate parks, swimming and wading pools, spray parks, golf courses, tennis courts, basketball courts, ball fields, playgrounds, exercise and fitness paths, tracks, other recreational facilities, historic sites, beaches and storage buildings, office buildings, visitor centers, fire towers, maintenance facilities and other park buildings, structures, equipment, including upgrades to information technology equipment to be considered in consultation with the secretary of technology services and security and for the planning, design, acquisition, construction, reconstruction, repair, removal, improvement or rehabilitation of bike paths, greenways, accessible trails, recreational trails and equipment; provided, that the secretary of energy and environmental affairs may provide guidance for planning, prioritizing, selecting and implementing capital projects in

furtherance of the goals of climate change mitigation and adaptation consistent with the state hazard mitigation and climate change adaptation plan and in support of disadvantaged populations; provided further, that funds may be expended to support municipal equipment needs for combating wildland and forest fires; provided further, that the department of conservation and recreation may expend funds for technical assistance and grants to public and nonpublic entities in accordance with rules and regulations adopted by the department to implement this item; provided further, that in expending funds under this item, the commissioner shall prioritize public health and safety and capital to maintain public assets…….……$293,687,500

2890-7036 For the study, planning, permitting, design, engineering, construction, reconstruction, repair, improvement or rehabilitation of department of conservation and recreation roadway, bridge and path of travel related infrastructure including, but not limited to, parkways, boulevards, multi-use trails, roads within state parks, transportation infrastructure, recreational trails, pedestrian bridges and related appurtenances and equipment; provided, that funds may be expended for pedestrian and bicycle safety, traffic calming, landscape improvements, street lighting, safety equipment and accessibility; provided further, that all work funded by this item shall be carried out according to standards developed by the department pursuant to historic parkways preservation treatment guidelines to protect the scenic and historic integrity of the bridges and parkways under its control; and provided further, that the secretary of energy and environmental affairs may provide guidance for planning, prioritization, selection and implementation of projects in furtherance of the state hazard mitigation and climate change adaptation plan and in support of disadvantaged populations…….$176,670,000

SECTION 2A.

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS

Department of Environmental Protection

2200-7026 For the assessment, containment, monitoring, cleanup, control, public participation, removal of or response actions concerning oil or hazardous materials or for any other action necessary to implement chapter 21E of the General Laws and the Massachusetts Contingency Plan established pursuant to said chapter 21E…….…….$42,000,000

2200-7027 For capital investments in air, water and land resource protection, climate adaptation and decarbonization and ensuring access to clean water and air including, but not limited to, energy, climate and environmental projects and programs that optimize and preserve environmental quality and public health and that provide for appropriate protection, restoration, management and best use of air, water and land resources, assets and infrastructure including, but not limited to, upgrades to laboratory equipment, projects related to nonpoint and point sources of water pollution and the wetlands circuit rider program; provided, that funds may be used to provide grants to public and nonpublic entities and tribal governments for the protection and restoration of the commonwealth's environmental resources to invest in efficient and effective mitigation projects and initiatives to restore and preserve the commonwealth's air, climate, energy, water and land resources, assets and infrastructure; and provided further, that the secretary of energy and environmental affairs may provide guidance for planning, prioritization, selection and implementation of projects in furtherance of the goals of climate change mitigation, resiliency and adaptation……..……..$27,800,000

2200-7028 For the assessment, containment, monitoring, cleanup and closure of existing or closed solid waste facilities causing or threatening to cause pollution pursuant to

section 4 of chapter 21H of the General Laws and for capital expenditures associated with composting, recycling and waste reduction programs consistent with the comprehensive statewide master plan for solid waste disposal established pursuant to section 21 of chapter 16 of the General Laws……..……..$28,100,000

2200-7029 For investments in clean water and drinking water infrastructure by the department of environmental protection to address per- and polyfluoroalkyl substance (PFAS) contamination of public water supplies, private wells or imminent hazard conditions pursuant to section 3A of chapter 21E of the General Laws including, but not limited to, planning, construction, replacement, repair or modernization of infrastructure that enhances ground and surface water resources, ensures the safety of drinking water or protects public health; provided, that funds in this item may be used for response actions that create a capital asset or result in improvements to capital assets including, but not limited to, installing filters or other treatment systems, excavation, covering and fencing contaminated soil and associated planning and design……..…….$120,000,000

2200-7031 For grants to support municipal flood risk protection programs; provided, that priority may be given to flood control projects that pose the greatest risk to public health or safety, or to the environment; provided further, that starting December 31, 2026, the department of environmental protection shall submit semi-annual reports to the house and senate committees on ways and means on: (i) the total number of grants issued; (ii) the amounts granted to each municipality; (iii) the types of flood mitigation programs the grants support; and (iv) the number of grant applications……..……..$75,000,000

SECTION 2B.

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS

Department of Fish and Game

2300-0422 For the acquisition of land and interests in land by the department of fish and game and for associated costs including, but not limited to, planning, studies, due diligence, title and appraisal services, site restoration and stewardship; provided, that such lands may be purchased after approval by the commissioner of fish and game; provided further, that funds may be expended on the development and implementation of a capital stewardship program on lands under the care and control of the department of fish and game and its divisions; provided further, that funds may be used for restoration, repair and reclamation of acquired land including, but not limited to, demolition of structures, removal of debris, eradication of nonnative species and other capital investments essential to the reclamation efforts; and provided further, that projects may be carried out with other public and nonpublic entities including, but not limited to, federal and state agencies, municipalities, nonprofit and conservation organizations, public and private land owners and tribal governments…….…….$53,500,000

2300-7019 For planning, design, engineering, construction, reconstruction, renovation, repair, demolition, acquisition, enhancements, improvements, removal and replacement of the infrastructure, facilities and equipment under the care and control of the department of fish and game and its divisions including, but not limited to, buildings and other structures, education centers, district headquarters, hatchery facilities, offices, storage buildings, shooting ranges, archery facilities, dams, laboratories, equipment, vehicles, vessels and site clearance; provided, that funds may be used to: (i) incorporate energy efficiency and renewable technologies; (ii) decrease energy use and greenhouse gas emissions; (iii) increase climate

resiliency; or (iv) enhance accessibility; and provided further, that funds may be used for implementation of projects in furtherance of the statewide hazard mitigation and climate adaptation plan…….…….$15,000,000

2300-7030 For the rehabilitation, reconstruction, modernization and decarbonization of the department of fish and game's division of fisheries and wildlife Charles L. McLaughlin Fish Hatchery in the town of Belchertown including, but not limited to, new construction, repair and rehabilitation of buildings and grounds……...$20,000,000

2300-7031 For ecological restoration capital programs and projects at the department of fish and game's division of ecological restoration; provided, that funds from this item may be used for river, wetland and watershed restoration and protection including, but not limited to: (i) dam and barrier removal; (ii) streamflow and water quality restoration; (iii) road-stream crossing upgrades; (iv) improving public access, including enhancements to accessibility; (v) restored rivers and wetlands; (vi) and other capital activities that restore biodiversity and support nature-based approaches for adapting to climate change; provided further, that the commissioner of fish and game or the commissioner's designee may enter into cooperative agreements with state and federal agencies, municipalities, non-governmental organizations, regional planning agencies, tribal governments and others; provided further, that funds in this item may be used for the purchase of equipment; provided further, that the commissioner of fish and game may award grants to public and nonpublic entities and tribal governments to carry out this item…….$40,000,000

2300-7032 For the planning, engineering, design, construction, acquisition, development and reconstruction of existing and new coastal and inland access sites identified by

the department of fish and game's office of fishing and boating access including, but not limited to, boat launching facilities, fishermen boat access facilities, car-top boat launching facilities, canoe and kayak access facilities, sport fishing piers and shore fishing areas including, but not limited to, ramps, docks, floats and appurtenant facilities throughout the commonwealth; provided, that funds may be used on enhancements to accessibility, construction of signage and informational kiosks and the implementation of coastal projects developed jointly with the director of the Marine Recreational Fisheries Development Fund established in section 35NN of chapter 10 of the General Laws in consultation with the marine recreational fisheries development panel established in section 17C of chapter 130 of the General Laws….$10,000,000

2300-7033 For marine fisheries resource conservation and restoration and capital support of local commercial and recreational fisheries, which may include but shall not be limited to fish and habitat restoration, hard bottom habitat enhancement, vessels, vehicles and equipment; provided, that projects may be carried out in cooperation with public and nonpublic entities, tribal governments and other management agencies; and provided further, that the department may award grants to public and nonpublic entities and tribal governments to carry out this item……$5,000,000

2300-7034 For the planning and implementation of capital projects and programs at the department of fish and game and its divisions in furtherance of Executive Order no. 618 entitled "Biodiversity Conservation in Massachusetts", which shall include but not be limited to a local biodiversity capital grant program to support community-led biodiversity efforts; provided, that the projects and programs may be carried out in cooperation with public and nonpublic entities, tribal governments and other management agencies including, but not limited to, other state agencies, municipalities, regional planning agencies and nonprofit organizations;

and provided further, that the department and its divisions may award grants to public and nonpublic entities, tribal governments and other management agencies including, but not limited to municipalities, regional planning agencies and nonprofit organizations, to carry out this item……..……...…..$20,000,000

SECTION 2C.

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS

Office of the Secretary

2000-7067 For improvements and replacements to the infrastructure and holdings of the executive office of energy and environmental affairs and its departments and divisions and for capital assets and improvements to infrastructure and holdings that support the mission of the executive office of energy and environmental affairs; provided, that this may include, but shall not be limited to, buildings, equipment and vehicles; provided further, that investments may support the development and implementation of capital projects that support the integrated state hazard mitigation and climate adaptation plan; provided further, that the secretary of energy and environmental affairs may grant priority to critical actions and strategies identified in the plan; provided further, that the secretary of energy and environmental affairs may provide guidance for the planning, prioritization, selection and implementation of projects in furtherance of the goals of climate change mitigation and adaptation and consistent with the integrated state hazard mitigation and climate adaptation plan; provided further, that funds may support development of outdoor recreation sites and facilities and infrastructure; provided further, that funds may be awarded to public and nonpublic entities including, but not limited to, tribal governments, municipalities, regional planning agencies and nonprofit organizations, or expended directly by

the executive office of energy and environmental affairs and its departments and divisions; provided further, that grant funds may be used for planning, engineering, design, acquisition, permitting, construction, repair and renovation; and provided further, that grants shall be awarded in a manner that promotes accessibility, supports geographic equity and supports disadvantaged populations…….$73,000,000

2000-7068 For a tree planting greening program for projects on publicly-owned land or on private lands with the consent of the owner and subject to appropriate covenants that shall assure the continued presence and effectiveness of the commonwealth's investment including, but not limited to, the evaluation and planning of tree greening projects, tree stock and planting and capital maintenance of urban trees; provided, that the secretary shall give priority to the planting of trees in cities and towns with a completed tree management plan; provided further, that funds may be expended to assist cities and towns in the development of a tree management plan; and provided further, that funds may be used to provide grants, technical assistance or other support to public and nonpublic entities and tribal governments to fulfill the purposes of this item.....….$10,000,000

2000-7078 For the MassTrails program and other capital improvements to the commonwealth's trails; provided, that funds may be used for the planning, engineering, design, permitting, construction, repair, technical assistance and improvement of trails and the acquisition of property interests for trail purposes; provided further, that not less than $10,000,000 shall be expended for the design and construction of accessible trails for people with disabilities including, but not limited, to upgrades in accordance with guidelines from the United States Forest Service and the United States Access Board's accessibility standards for federal outdoor developed areas; provided further, that funds may be granted at the discretion of

the secretary of energy and environmental affairs to public and nonpublic entities, including municipalities, regional planning agencies and nonprofit organizations, or expended directly by the executive office of energy and environmental affairs and its departments and divisions; provided further, that trails are to be broadly defined to include water, recreational, multi-use, motorized use by recreational and snow vehicles, trails designed to enhance accessibility and may be paved, improved, natural surface or on-road for limited distances when necessary to make key connections; provided further, that any project funded from this item shall be open to the public; provided further, that wherever practicable, property interests acquired shall be permanently conserved such that the trail thereon is permanently accessible to the public but may be subject to long-term leases where necessary to advance trail projects; and provided further, that a match from the funding recipient, which may include in-kind match, may be required at the discretion of the secretary of energy and environmental affairs…….…….$75,000,000

2000-7082 For grant programs related to and investments in: (i) land, soil, water and natural resource conservation, open space preservation and other capital expenditures that conserve land and natural resources that provide ecosystem services, including clean air and water, watershed remediation, water conservation and other capital investments related to water resource protection and flood prevention; (ii) coastal resource protection including, but not limited to, securing access to protected coastal lands and lands to provide for the inland migration of coastal habitats; (iii) recreation, including the acquisition, development, construction, rehabilitation and improvement of parks and all related facilities in neighborhoods underserved with parks, including assessment and remediation of brownfield sites intended for park use; (iv) environmental equity and wildlife and endangered species protection including, but not limited to, the: (a) local acquisition for natural diversity grant program; (b) parkland

acquisition and renovation for communities grant program; (c) tribal land acquisition grant program; (d) healthy soils grant program; (e) woodlands partnership grant program; and (f) conservation partnership grant programs including, but not limited to, programs to support landscape-scale land conservation projects, the drinking water supply protection grant program, grant programs to assist and provide funding to conservation districts and grants to support projects and initiatives that promote carbon sequestration and climate change resiliency through sustainable forestry and salt marsh restoration; (v) capital grants and technical assistance to facilitate the conservation of land by municipalities, tribal governments, land trusts and other conservation organizations; (vi) MassTrails grants and other capital investments to advance trails of all kinds; and (vii) grants and other expenditures to support local, regional and state land use planning and management capabilities to advance smart growth efforts, which shall be pursuant to rules and regulations adopted by the secretary of energy and environmental affairs to effectuate this item; provided, that funds may be used to provide grants to public and nonpublic entities and tribal governments to carry out this item; provided further, that the secretary of energy and environmental affairs may provide guidance and expend funds for planning, prioritization, selection and implementation of projects in furtherance of the goals of climate change mitigation and adaptation consistent with the integrated state hazard mitigation and climate adaptation plan, and in support of disadvantaged populations; and provided further, that all projects shall provide appropriate public access as determined by the secretary…….….$120,000,000

2000-7083 For the design, construction, acquisition, reconstruction, rehabilitation, retrofitting, repair or removal of coastal infrastructure and resilience measures including, but not limited to, seawalls, jetties, revetments, retaining walls, port infrastructure, beach nourishment,

living shorelines, coastal lands and other nature-based solutions, which shall mean strategies that conserve, restore and employ the natural resources of the commonwealth to enhance climate adaptation, build resilience and support mitigation; provided, that costs payable from this item may include, but shall not be limited to, the costs of engineering and other technical assistance and planning services essential to these projects rendered by the office of coastal zone management in the executive office of energy and environmental affairs, the office of waterways in the department of conservation and recreation and other commonwealth employees or consultants; provided further, that grants and loans may be made to local government units to carry out this item; provided further, that grants may also be awarded to nonpublic entities for approved projects funded herein; provided further, that funds may be used on lands held by municipal, county, state or federal agencies or other governmental bodies on lands held by nonprofit conservation organizations or on private lands with the consent of the owner and subject to covenants that assure the continued presence and effectiveness of such projects for the expected life of the projects; provided further, that the use of such funds by county and municipal governmental bodies on lands held by nonprofit conservation organizations or on private lands, shall require, in a county, a vote of the county commissioners, in a city having a Plan D or Plan E charter, by a majority vote of all the members of the city council, in a city not having such a charter, by a majority vote of the city council, subject to the charter of that city, and in a town, by a majority vote of the selectboard; provided further, that the secretary of energy and environmental affairs may provide guidance for planning, prioritization, selection and implementation of projects in furtherance of the goals of climate change mitigation and adaptation and consistent with the integrated state hazard mitigation and climate change adaptation plan…….……...$250,000,000

2000-7086 For the design, construction, reconstruction, rehabilitation, retrofitting, repair or removal of municipally owned dams, publicly owned dams and other dams for which emergency action or hazard mitigation is required and for inland flood control projects and projects for related facilities and equipment including, but not limited to, seawalls, jetties, revetments, retaining walls, beach nourishment and other nature-based solutions on publicly owned land or related to state or municipal climate change adaptation and preparedness or for which emergency action or hazard mitigation is required; provided, that the secretary of energy and environmental affairs shall give priority to dams and flood control projects that pose the greatest risk to public health, public safety or the environment; provided further, that funds shall be made available for a program of planning, permitting and construction of fish ways and other aquatic habitat improvements. including the removal or breaching of selected dams and impoundments on state-owned land and waterways; provided further, that funds may be used for dam safety technical assistance; provided further, that funds may be used to provide grants to public and nonpublic entities to carry out this item; and provided further, that the secretary may provide guidance for planning, prioritization, selection and implementation of projects in furtherance of the goals of climate change mitigation and adaptation and consistent with the integrated state hazard mitigation and climate change adaptation plan……..$93,500,000

2000-7087 For the acquisition of land and interests in land by the executive office of energy and environmental affairs and for associated costs including, but not limited to, planning, study, due diligence, title and appraisal services, site restoration, monitoring and stewardship including, but not limited to, acquisitions for open space, recreation, conservation, wildlife and endangered species protection and forest land protection and for related costs and activities in support of conservation goals; provided, that not more than $25,000,000 may be used to

capitalize the Transfer of Development Rights Revolving Fund established in section 35HHH of chapter 10 of the General Laws; provided further, that funds from this item may be used to develop and implement a capital stewardship program on lands under the care and control of the executive office or its departments and divisions or subject to conservation restrictions or other related interests in land purchased through this item; provided further, that funds may be used for restoration, repair and reclamation of acquired land, including demolition of structures, removal of debris, eradication of nonnative species and other services essential to such reclamation efforts; and provided further, that the secretary of energy and environmental affairs may provide guidance and expend funds for preservation and acquisition of land and interests in land in furtherance of the goals of climate change mitigation and adaptation, consistent with the integrated state hazard mitigation and climate adaptation plan, and in support of disadvantaged populations…….$85,000,000

2000-7088 For the municipal vulnerability preparedness grant program to support and provide technical assistance for the political subdivisions of the commonwealth including, but not limited to, cities, towns, counties and districts, tribal governments, regional planning agencies, nonprofit organizations, or any authority, commission, board or instrumentality thereof, to complete climate-related vulnerability assessments, develop equitable, action-oriented resiliency plans and complete integrated climate change adaptation plans and local hazard mitigation plans and to implement local and regional adaptation solutions identified through such plans; provided, that such funds may be used on lands held by municipal, state or federal agencies, tribal governments or other governmental bodies, nonprofit organizations or on private lands with the consent of the owner and subject to covenants that shall assure the continued presence and effectiveness of such projects for the expected life of the projects; provided further,

that the use of such funds by municipal governmental bodies on lands held by nonprofit organizations or on private lands shall require the vote of a majority of the grantee's legislative body or board of directors or the equivalent thereof; provided further, that funds may be used to develop wastewater facility adaptation plans; provided further, that such funds may be used for the political subdivisions of the commonwealth including, but not limited to, cities, towns, counties and districts, tribal governments, regional planning agencies, nonprofit organization, or any authority, commission, board or instrumentality thereof, to appoint and retain coordinators to advance sustainability, resiliency and climate adaptation; and provided further, that the program may prioritize low income and environmental justice communities……..$315,000,000

2000-7089 For local environmental, recreational, resiliency and preservation projects ……$100,000

2030-1011 For the replacement and purchase of environmental law enforcement vehicles and maritime law enforcement patrol vessels and accompanying equipment; provided, that funds may be expended for equipment purchased in conjunction with the operation of the environmental law enforcement vehicle and vessel fleet including, but not limited to, mobile data terminals, installation of mounts and multi-band radios, search and rescue equipment, boat trailers, engines, lower units, remotely-operated vehicles, portable side scan sonar, navigation systems and communication radios……$9,000,000

SECTION 2D.

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS

Massachusetts Department of Agricultural Resources

2500-7022 For capital programs designed to address agricultural economic and environmental sustainability and resiliency including, but not limited to, the development and implementation of farm viability plans and other technical and engineering assistance, urban agriculture and hydroponics, and to facilitate improvements to agricultural infrastructure, energy conservation and efficiency and climate change adaptation and resiliency; provided, that funds may be expended for infrastructure and equipment upgrades to prevent or reduce food safety risk, combat invasive and disease-borne insects and for capital programs to support aquaculture, anaerobic digesters and agricultural composters; provided further, that funds may be expended for capital projects that foster the adoption of sustainable farming practices that enhance resilience, reduce greenhouse gas emissions and promote environmental stewardship; provided further, that funds may be expended on programs that support the commonwealth's farmland protection and access goals; provided further, that funds may be expended to provide grants, technical assistance and other support to farms, public and nonpublic entities and tribal governments to support the agricultural economy and to enable recovery from natural disasters, market disruptions and other financial challenges; and provided further, that funds may be allocated by the commissioner of agricultural resources through competitive grants pursuant to rules and regulations promulgated by the commissioner to implement this item……..$26,000,000

2511-0124 For food security grant programs to support equitable access to nutritious, local food and to strengthen food supply and distribution systems; provided, that programs may consider the unique needs of rural and urban areas and gateway municipalities as defined in section 3A of chapter 23A of the General Laws to provide greater access to local food; provided further, that programs may provide grants that support food banks and other parts of the food distribution system by expanding services; and provided further, that funds may be used to

provide grants to public and nonpublic entities and tribal governments to carry out this item that may include, but shall not be limited to, farms, retailers, fisheries, food system businesses, food distributors, food processors, food banks, farm stands, food hubs, food retailers, elder services and community-supported agriculture farms…….……..$150,000,000

2511-0125 For a program to acquire land or interests in land for the purpose of preserving agricultural land, including agricultural preservation restrictions under sections 23 to 26, inclusive, of chapter 20 of the General Laws; provided, that funds may be expended for associated acquisition and implementation costs including, but not limited to, grants, planning, due diligence, title examinations, appraisal services, site restoration and capital improvements on nonpublic lands subject to those agricultural preservation restrictions and on state-owned lands leased for agricultural purposes……...……..$42,000,000

SECTION 2E.

OFFICE OF THE TREASURER AND RECEIVER GENERAL

0640-1008 For the Massachusetts Clean Water Trust established in section 2 of chapter 29C of the General Laws for deposit in the Water Pollution Abatement Revolving Fund established in section 2L of chapter 29 of the General Laws for application by the trust to the purposes specified in section 5 of said chapter 29C, any portion of which may be used as a matching grant by the commonwealth to federal capitalization grants received under Title VI of the Clean Water Act or for deposit in the Drinking Water Revolving Fund established in section 2QQ of said chapter 29 for application by the trust to the purposes specified in section 18 of said chapter 29C, any portion of which may be used as a matching grant by the commonwealth to federal capitalization grants received under the Safe Drinking Water Act; provided, that funds

may be used to assist homeowners in complying with 310 C.M.R. 15.00 for subsurface disposal of sanitary waste; and provided further, that funds may be used to assist with per-and polyfluoroalkyl substances (PFAS) contamination remediation…….$385,000,000

SECTION 2F.

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

Office of the Secretary

1100-2524 For grants to cities, towns, tribal governments, regional organizations whose membership is exclusively composed of municipal governments, municipal redevelopment authorities or agencies and other state agencies or quasi-governmental agencies to support capital investments that support climate mitigation, adaption, resiliency and recovery efforts in the commonwealth; provided, that purposes may include, but shall not be limited to, planning and studies, preparation of plans and specifications, site assembly and preparation, dispositions, acquisitions, repairs, renovations, improvements, construction, demolition, remediation, modernization and reconstruction of facilities, infrastructure, equipment and other capital assets…….$50,000,000

SECTION 2G.

EXECUTIVE OFFICE OF HOUSING AND LIVABLE COMMUNITIES

Office of the Secretary

7004-0093 For the Massachusetts healthy homes program fund established in section 34 of chapter 23B of the General Laws…….....$50,000,000

7004-4785 For the Massachusetts Housing Finance Agency established in section 3 of chapter 708 of the acts of 1966 to capitalize a permanent, revolving Residential Production Momentum Fund for the purpose of accelerating the development of mixed-income and workforce multifamily housing production projects by providing financial assistance in the form of innovative, low-cost and flexible capital funding, which may be in the form of debt, equity or other instruments, depending on individual underwriting needs of the project; provided, that not less than 20 per cent of the units in a project that receives financial assistance under this item shall be restricted to households with incomes between 60 per cent and 120 per cent, inclusive, of the area median income; provided further, that notwithstanding paragraph (f) of section 5 of said chapter 708, the agency may in its discretion set the terms and prepayment options for any mortgage or other loan or instrument issued to any project receiving such financial assistance based on the individual underwriting needs of the project; provided further, that such financial assistance shall be awarded in a manner that promotes geographic equity; provided further, that funds expended from this item shall, to the maximum extent feasible, be prioritized for projects that comply with decarbonization and sustainability standards; provided further, that prioritization shall be determined through objective scoring criteria in the qualified allocation plan developed by the executive office of housing and livable communities; provided further, that for new construction projects, the standards set forth in the commonwealth's opt-in specialized energy code under 225 C.M.R. 22.00 and 23.00 and the Enterprise Green Communities standards shall be the applicable standards for prioritization; provided further, that any project proposing less than full compliance with those standards shall provide detailed analysis demonstrating why full compliance would render the project infeasible notwithstanding utilization of all available federal and state incentives, including rebates and tax credits; provided

further, that for retrofits of existing units, prioritization shall be given to projects that include energy efficiency and electrification decarbonization measures including, but not limited to, electric or ground source heat pumps, net-zero developments, Passive House Institute certification or an equivalent energy efficiency certification and all-electric buildings and projects that incorporate green, sustainable and climate-resilient elements; and provided further, that projects that include lower embodied carbon construction materials and methods shall be further prioritized……..$50,000,000

SECTION 3. The second paragraph of section 48 of chapter 10 of the General Laws, as appearing in the 2024 Official Edition, is hereby amended by adding the following sentence:- The fund shall be for the purpose of supporting, through grant programs, dairy farms with a certificate of registration under section 16C of chapter 94; provided, that to the extent practicable, grants shall be awarded to dairy farms that previously paid into the fund in proportion to their total contributions.

SECTION 4. Said section 48 of said chapter 10 is hereby repealed.

SECTION 5. Section 6C of chapter 20 of the General Laws, as appearing in the 2024 Official Edition, is hereby amended by striking out, in line 3, the figure “18” and inserting in place thereof the following figure:- 20.

SECTION 6. Said section 6C of said chapter 20, as so appearing, is hereby further amended by inserting after the word “affairs”, in line 19, the following words:- ; 1 of whom shall be the director of the division of marine fisheries established in section 1A of chapter 130, or the director’s designee; 1 of whom shall be the director of the Center for Agriculture, Food and the Environment at the University of Massachusetts at Amherst, or the director’s designee.

SECTION 7. Chapter 21 of the General Laws is hereby amended by inserting after section 2G the following section:-

Section 2H. (a) The commissioner of conservation and recreation shall consider land under the care and control of the department for potential designation and long-term passive management as a forest reserve and shall recommend designation of land as a forest reserve; provided, that such designation shall: (i) contribute to carbon sequestration and storage as part of the commonwealth's climate mitigation strategy; (ii) allow for unique older forest habitats to mature and develop over time without intended intervention in ecological processes as part of a holistic, statewide biodiversity conservation strategy; (iii) enhance climate resilience through the maintenance of connected natural landscape blocks and species movement corridors that provide a variety of important ecosystem processes, functions and services; (iv) allow unique opportunities for compatible passive outdoor recreation and other public enjoyment to serve a diverse public with wide-ranging recreational values; and (v) facilitate ecological research, comparative studies of forest dynamics and long-term monitoring to evaluate reserves as compared to other land management approaches.

(b) The commissioner of conservation and recreation, with the approval of a simple majority of the members of the stewardship council present at a duly called meeting of the council, may designate land under the care and control of the department as a forest reserve. Forest reserves shall be managed consistent with such designation, unless the commissioner, with the approval of not less than a two-thirds majority of the members of the stewardship council present at a duly called meeting of the council, and with the approval of the secretary of energy and environmental affairs, rescinds the designation.

(c) Designation of land as a forest reserve, or the recission thereof, shall constitute an administrative designation and shall not: (i) change the entity with respect to the care, custody and control of the land; (ii) constitute a change in the use of the land; (iii) otherwise dispose of the land or an interest in the land; or (iv) otherwise change the existing status of the land as a state forest, state park or other land management unit.

(d) The department, to the greatest degree possible, shall passively manage the forest reserves to allow natural processes to determine changes in the structure and composition of the forest ecosystem. Forest reserves shall not be: (i) managed for production of timber or forest products; or (ii) intentionally manipulated. Any active management shall be avoided, to the extent feasible, even when disturbances occur. After consultation with a forest reserve science and technical advisory committee, to be administered by the secretary of energy and environmental affairs, the department may undertake active management or assisted restoration actions to: (A) sustain ecosystem function, vital ecosystem services and habitat values; (B) control problematic pests, pathogens and invasive species; (C) restore water and wetland resources; (D) protect public safety; or (E) address other unforeseen circumstances. The department may undertake such other management actions as may be required by law.

(e) The following shall be permitted within the forest reserves: (i) compatible passive outdoor recreation; (ii) regulated hunting and trapping; (iii) conversion or removal of plantations; (iv) maintenance or repair of existing forest roads, trails and administrative access points; (v) preservation of historic and cultural resources; (vi) removal of immediate threats to public safety; (vii) selective understory invasive plant control; and (viii) monitoring and research activities.

SECTION 8. Said chapter 21 is hereby further amended by inserting after section 3G the following section:-

Section 3H. (a)(1) The commissioner of conservation and recreation may promulgate rules and regulations: (i) for the government and use of all property under the control of the department, including all roads and highways wholly or in part within the boundaries of such property; (ii) relative to hunting and fishing, except in great ponds, not inconsistent with the laws protecting fish, birds, mammals and quadrupeds on all property under the control of the department; (iii) for the government and public use of the Charles river, Mystic river and Neponset river; provided, that no such rule or regulation shall affect the water rights of any person, whether a mill owner or otherwise; and (iv) for the care, maintenance, protection and policing of the basin as defined in section 2 of chapter 524 of the acts of 1909 and amendments thereto; provided, that no such rule or regulation shall impair freight traffic. Such rules and regulations may provide for the payment of fees and other charges for the parking of vehicles and for the enjoyment of other special privileges within the territory under such control.

(2) No such rule or regulation shall prohibit the use of passenger or station wagon type motor vehicles with a gross weight of not more than 5,000 pounds and that are registered for commercial use, on ways, parkways or boulevards where non-commercial passenger-type motor vehicles are permitted to operate.

(3) The commissioner of conservation and recreation may enter into and issue agreements, licenses and permits for recreational and other uses and may grant concessions for the sale of refreshments and other articles and the furnishing of services on department property which the commissioner deems compatible and consistent with this section and Article XCVII of

the Amendments to the Constitution of the Commonwealth; provided, however, that such agreements, licenses and permits shall be for periods not exceeding 10 years, and shall be in writing.

(b) A violation of a rule or regulation promulgated pursuant to subsection (a) shall be punished by a fine of not more than $500, and each day such violation continues, including, but not limited to, unauthorized or unpermitted use and occupation of department property shall be a separate violation.

(c)(1) The commissioner of conservation and recreation may authorize, in writing, non-criminal enforcement by department staff of department rules and regulations related to parking pursuant to this section.

(2) A police officer, employed by a city or town in whose boundaries department property is located, shall, for such department property, have all the same powers as a police officer of the city or town to enforce the laws of the commonwealth and the rules and regulations of the department for said property.

(d) Notwithstanding any other general or special law to the contrary, all fines and penalties recovered for violation of rules and regulations made pursuant to this section shall be accounted for by the clerk of the court of jurisdiction and forwarded to the department to be deposited as revenue.

(e) The department may assess a civil administrative penalty, of not more than $1,000 per day, for the continuing violation of any rule, regulation or order, including, but not limited to, for the use, occupation or alteration of department property without written authorization as required by the department, or for noncompliance with such written authorization. Each day a violation

continues shall constitute a separate violation. The remedies provided in this paragraph shall be available in addition to any other penalties or remedies provided by law. The department may adopt and promulgate regulations to effectuate the purposes of this subsection. The penalty pursuant to this subsection shall be assessed in addition to any other civil penalty otherwise provided for by law. Notice of assessment of a penalty pursuant to this subsection shall be made by service in hand, or by certified mail, return receipt requested, and shall state the amount of the administrative penalty, the date the penalty shall be due, a statement of the violator's right to an adjudicatory hearing pursuant to chapter 30A regarding the assessment, a statement of the actions the person may take in order to avoid assessment of additional penalties or to avoid waiving the right to a hearing relative to the penalty and the manner of acceptable payment if an election to waive a hearing is made. A person or political subdivision of the commonwealth shall be deemed to have waived all right to an adjudicatory hearing unless, within 21 days of the date of the department's notice, a written notice is received by the department, by hand or by certified mail, return receipt requested, requesting such adjudicatory hearing. In the event that such request is not received in accordance with this section, the proposed administrative penalty shall become final, and payment shall be due in accordance with the notice.

SECTION 9. Subsection (b) of section 67 of said chapter 21, as appearing in the 2024 Official Edition, is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:- The regulations shall be in accordance with generally accepted standards of irrigation practice.

SECTION 10. Subsection (c) of said section 67 of said chapter 21, as so appearing, is hereby amended by adding the following words:- or golf courses.

SECTION 11. Chapter 21A of the General Laws is hereby amended by inserting after section 18A the following section:-

Section 18B. (a) As used in this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:

"Black carbon", fine particles less than or equal to 2.5 micrometers in diameter commonly known as soot.

"Department", the department of environmental protection.

"Eligible buildings", shall include, but shall not be limited to, existing: (i) residential public housing; (ii) residential private multifamily housing with more than 2 tenant-occupied units; (iii) public schools serving students of any age in grades K-12; (iv) private schools serving students of any age in grades K-12; (v) charter schools serving students of any age in grades K-12; (vi) college and university buildings with 1 or more classrooms; (vii) existing commercial buildings with businesses that have 5 or more full-time employees; and (viii) correctional facilities, including prisons and jails.

"Environmental justice population", as defined in section 62 of chapter 30.

"Fine particulate matter" and "fine particulates", particulate matter less than or equal to 2.5 micrometers in diameter.

"Particulate matter" and "particulates", a broad class of chemically and physically diverse substances that exist as discrete particles in air, including coarse, fine and ultrafine particles.

"Ultrafine particulate matter" and "ultrafine particulates", particulate matter less than or equal to 0.1 micrometers in diameter.

(b) The department, in consultation with the department of public health, shall convene an air quality advisory committee for the purpose of identifying communities with high cumulative exposure burdens to toxic outdoor air contaminants and criteria pollutants. The advisory committee shall review practices to improve air quality in other states and emerging research to improve air quality in the commonwealth.

(c)(1) The air quality advisory committee shall consist of 9 members: (i) 5 members shall be appointed by the governor, 1 of whom with a background in public health or environmental policy, who shall serve as chair, and 4 of whom shall be representatives of community-based or environmental justice organizations; (ii) 2 members shall be appointed by the secretary of energy and environmental affairs with a background in public health or environmental justice; and (iii) 2 members shall be appointed by the attorney general, 1 of whom shall have a background in environmental law or regulatory compliance and 1 of whom shall have a background in community-based or environmental justice organizations.

(2) In making appointments, the governor, attorney general and secretary of energy and environmental affairs shall select individuals who are from, or have experience advocating for, communities that have been disproportionately harmed by air pollution and environmental injustice. The air quality advisory committee shall be comprised of: (i) residents of environmental justice populations living adjacent to major highways; (ii) academics with expertise in outdoor air monitoring, environmental health, air toxics and air pollution; and (iii) labor representatives.

(3) Any vacancy on the air quality advisory committee shall be filled by the appropriate appointing authority not later than 60 days after the vacancy. The governor, attorney general or

secretary of energy and environmental affairs may remove an advisory board member who they appointed for cause. Before removal, the advisory committee member shall be provided with a written statement of the reason for removal and an opportunity to be heard.

(d) Every 3 years, on or before June 30, the air quality advisory committee shall file a report with the clerks of the house of representatives and the senate, joint committee on environment and natural resources and the joint committee on public health identifying the likely air pollution hotspots due to high concentrations of traffic- and industry-related air pollution throughout the commonwealth. The advisory committee may make recommendations on areas that would benefit from being equipped with new or expanded air monitors and establish and review the definitions of “air quality” and “air quality target pollutants” that shall include, but shall not be limited to, consideration of criteria pollutants, black carbon and ultrafine particulate matter. The report shall include, but shall not be limited to: (i) recommendations regarding the installation of air filtration in eligible buildings located within 200 meters of a class 1, class 2 or class 3 roadway, marine terminal, airport or a train station or train yard serving diesel locomotives; (ii) potential incentives for eligible buildings that are schools, private housing and public housing to cover the cost of installing air filtration equipment; and (iii) progress made in other states that may help the commonwealth improve air quality.

SECTION 12. Chapter 29 of the General Laws is hereby amended by inserting after section 2NNNNNN, inserted by section 19 of chapter 73 of the acts of 2025, the following section:-

Section 2OOOOOO. (a) For the purposes of this section, “Historic Connecticut River Water Trail” shall, unless the context clearly requires otherwise, mean the portion of the

Connecticut river beginning at the Holyoke dam located at river mile 83.4 and ending at the northern border of the municipality of Hatfield located at river mile 104.3.

(b) There shall be established and set up on the books of the commonwealth a separate, non-budgeted special revenue fund known as the Historic Connecticut River Water Trail Marking Fund, which shall be administered by the executive office of energy and environmental affairs to support the maintenance of the Historic Connecticut River Water Trail.

(c) The fund shall be credited with: (i) money transferred to the fund by a municipality; (ii) money transferred to the fund by the municipal gas and electric commission of the city of Holyoke; (iii) money transferred to the fund by the general court and specifically designated to be credited to the fund; (iv) funds from public and private sources, including, but not limited to, gifts, grants and donations; and (v) interest earned on money in the fund.

(d) Amounts credited to the fund shall be expended, without further appropriation, by the secretary of energy and environmental affairs, in consultation with the director of the office of law enforcement, the director of the office of outdoor recreation and the chief executive officers of the municipalities of Easthampton, Hadley, Hatfield, Holyoke, Northampton and South Hadley, to ensure the placement of river markers to ensure safe navigable passage and recreation on the Historic Connecticut River Water Trail.

(e) The unexpended balance in the fund at the end of a fiscal year shall remain available for expenditure in subsequent fiscal years. For the purpose of accommodating timing discrepancies between the receipt of revenues and related expenditures, the executive office of energy and environmental affairs may incur expenses, and the comptroller shall certify for payment, amounts not to exceed the most recent revenue estimate as certified by the office of

law enforcement established in section 10A of chapter 21A, as reported in the state accounting system.

SECTION 13. The General Laws are hereby amended by inserting after chapter 29D the following 2 chapters:-

Chapter 29E

Resilience Revolving Fund

Section 1. As used in this chapter, the following words shall, unless the context clearly requires otherwise, have the following meanings:

"Board", as defined in section 1 of chapter 29C.

"Trust", as defined in section 1 of chapter 29C.

"Trust agreement", as defined in section 1 of chapter 29C.

Section 2. (a) There shall be established and set up on the books of the commonwealth a separate, non-budgeted special revenue fund known as the Resilience Revolving Fund. The fund shall be administered by the board. The fund shall be credited with amounts credited or transferred to the fund by the general court or any other source, including, but not limited to: (i) fees or tax revenue specified to be credited to the fund; (ii) federal grants; (iii) loan repayments; (iv) investment earnings on money in the fund; and (v) any other amounts required to be credited to the trust by operation of law, resolution or agreement entered into by the board. The state treasurer shall be the treasurer-custodian of the fund and, subject to any applicable trust agreement, the state treasurer may invest monies held in the fund in such investments as may be legal investments for funds of the commonwealth.

(b) Amounts credited to the fund may be used, without further appropriation, to provide: (i) loans to municipalities, tribal governments and public water and wastewater districts for climate resilient infrastructure projects recommended by the advisory committee established in section 3; and (ii) technical support for eligible applicants needing assistance for projects to be ready to apply for said loans and program management, to be provided by the executive office of energy and environmental affairs; provided, that the amount expended pursuant to clause (ii) shall not exceed the amount approved annually by the board based on a recommendation by the advisory committee. The unexpended balance in the fund at the end of a fiscal year shall remain available for expenditure in subsequent fiscal years. No expenditure made from the fund shall cause the fund to be in deficit at any point.

Section 3. (a) There shall be an advisory committee to the board consisting of: the state treasurer, ex officio; the secretary of administration and finance, ex officio; the secretary of energy and environmental affairs, ex officio; 1 member appointed by the trust; and 1 member appointed by the secretary of energy and environmental affairs. Each member of the advisory committee may appoint a designee pursuant to section 6A of chapter 30. The advisory committee shall elect a chair by majority vote.

(b) The advisory committee shall recommend eligible climate resilient infrastructure projects and expenditures for technical support and program management to the board for approval for loans pursuant to sections 6 and 7.

(c) The executive office of energy and environmental affairs shall promulgate regulations establishing the criteria for a climate resilience project and any key project requirements, including, but not limited to: (i) the scope of the project; (ii) any ongoing requirements and

covenants; and (iii) compliance with subsection (b) of section 283 of chapter 238 of the acts of 2024 regarding the use of project labor agreements.

(d) The advisory committee shall only consider projects for which it has received a certificate issued by the executive office of energy and environmental affairs that approves the project in accordance with regulations and identifies the specific project requirements, including, but not limited to, the scope, timeline and costs of the project.

Section 4. (a) The board may provide, by resolution, for the issuance from time to time of bonds for any purpose of the fund. The bonds shall be issued as special obligations payable solely from the revenues, funds and other assets or property held or to be received by the trust with respect to the fund.

(b)(1) The bonds of each issue may: (i) be dated; (ii) bear interest at such rate or rates, including rates variable from time to time; and (iii) mature or otherwise be payable or redeemable at such times as the board may determine.

(2) The board shall determine the denominations of bonds, the details of their execution and authentication and their places of payment within or without the commonwealth. In case any trustee or officer whose signature appears on any bonds shall cease to be such officer before their delivery, the signature shall nevertheless be valid and sufficient as if the officer had remained in office until delivery.

(3) Bonds may be issued in certificated or uncertificated form, payable to bearer or registered owners, and, if notes, may be made payable to bearer or to order.

(4) The board may sell the bonds of the trust at public or private sale at par or for such premium or discount price as it may determine.

(5) The board may, by resolution, delegate to any trustee or officer of the trust the power to determine any of the matters set forth in this section.

(c) Bonds of the trust may be secured by a trust agreement between the trust and the bond owners or a corporate trustee which may be any trust company or bank having the powers of a trust company within or without the commonwealth. A trust agreement may pledge or assign, in whole or in part, any loan agreements and local governmental obligations, and the revenues, funds and other assets or property held or to be received by the trust with respect to the fund, including, but not limited to, all monies and investments on deposit from time to time in the fund or any account of such trust agreement and any contract or other rights to receive the same, whether then existing or thereafter coming into existence and whether then held or thereafter acquired by the trust, and the proceeds thereof. A trust agreement may contain, without limitation, provisions for protecting and enforcing the rights, security and remedies of the bondholders, provisions defining defaults and establishing remedies, which may include acceleration and may also contain restrictions on the remedies by individual bondholders. A trust agreement may also contain covenants of the trust concerning the custody, investment and application of monies, the enforcement of loan agreements and local governmental obligations, the issue of additional or refunding bonds, the use of any surplus bond proceeds, the establishment of reserves and the regulation of other matters customarily treated in trust agreements. At the request of the board, the state treasurer shall join in any trust agreement or to otherwise agree with the trust, any lender or any trustee for bondholders to hold the fund in

compliance with any covenants and provisions relating to the fund contained in any trust agreement.

(d) Bonds may be issued by the trust in the form of lines of credit or other banking arrangements under terms and conditions determined by the board. In addition to other lawful security, bonds may be secured, in whole or in part, by financial guarantees, by insurance, by letters or lines of credit or by other credit enhancement issued to the trust or to a trustee or other person, by any bank, trust company, insurance or surety company or other financial institution, within or without the commonwealth. The trust may pledge or assign, in whole or in part, any loan agreements and local governmental obligations and the revenues, funds and other assets and property held or to be received by the trust with respect to the fund, and any contract or other rights to receive the same, whether then existing or thereafter coming into existence and whether then held or thereafter acquired by the trust, and the proceeds thereof, as security for such guarantees or insurance or for the reimbursement to any issuer of a line or letter of credit.

(e) The board may, by resolution, provide for the issue by the trust of interim receipts or temporary bonds, exchangeable for definitive bonds when the bonds are executed and are available for delivery. The board may provide for replacement of mutilated, destroyed or lost bonds. The trust may purchase and invite offers to tender for purchase any outstanding bonds; provided, however, that no purchase by the trust shall be made at a price, exclusive of accrued interest, if any, exceeding the bond’s principal amount or, if greater, its redemption price when next redeemable at the option of the trust. The trust may resell any bonds it purchases in such manner and for such price as it may determine.

(f) The board may issue refunding bonds of the trust for the purpose of paying any bonds at or prior to maturity. Refunding bonds may be issued at any time at or prior to the maturity or redemption or purchase of the refunded bonds. Refunding bonds may be issued in sufficient amounts to pay or provide for payment of the principal of the bonds being refunded, together with any redemption premium thereon, any interest or discount accrued or to accrue to the date of payment, costs of issuance and other expenses and reserves reasonably necessary to achieve the refunding.

(g) Bonds of the trust shall be: (i) securities in which public officers and agencies, insurance companies, financial institutions, investment companies, executors, administrators, trustees and others may properly invest funds including capital within their control; and (ii) securities which may be deposited with any public officer or any agency for any purpose for which the deposit of bonds is authorized by law.

(h) Bonds issued by the trust shall not be deemed to be a debt or a pledge of the faith and credit of the commonwealth or of any of its political subdivisions, but shall be payable solely from the revenues and monies of the fund and other monies and rights pledged to their payment. Bonds shall recite that neither the commonwealth nor any political subdivision thereof shall be obligated to pay the same and neither the faith and credit nor the taxing power of the commonwealth or any political subdivision is pledged to their payment. Every bond shall recite it is a special obligation payable solely from the revenues, funds, assets or other property of the fund.

(i) Bonds of the trust shall be deemed to be investment securities under chapter 106. Bonds, their transfer and the income therefrom, including any profit made on the sale thereof,

shall, at all times, be exempt from taxation by and within the commonwealth. The trust shall not be required to pay any taxes, assessments or excises upon its income, existence, operation or assets, monies or revenues.

Section 5. It shall be lawful for any bank or trust company to act as a depository of the fund or trustee under a trust agreement; provided, that the bank or trust company shall furnish indemnification and reasonable security as the board may require. Any assignment or pledge of revenues, funds and other assets and property made by the trust shall be valid and binding and shall be deemed continuously perfected for the purposes of chapter 106 and other laws when made. The revenues, funds and other assets and property, rights therein and thereto and proceeds so pledged and then held or thereafter acquired or received by the trust shall immediately be subject to the lien of such pledge without any physical delivery or segregation or further act, and the lien of any such pledge shall be valid and binding against all parties having claims of any kind in tort, contract or otherwise against the trust, whether or not such parties have notice thereof. The trust agreement by which a pledge is created need not be filed or recorded to perfect the pledge except in the records of the board and no filing need be made pursuant to said chapter 106. Any pledge or assignment made by the trust is an exercise of its political and governmental powers, and loan agreements, local governmental obligations, revenues, funds, assets, property and contract or other rights to receive the same and the proceeds thereof that are subject to the lien of a pledge or assignment created under this chapter shall not be applied to any purposes not permitted by the pledge or assignment. Any holder of a bond and any trustee under a trust agreement, except to the extent its rights may: (i) be restricted by the trust agreement; (ii) bring suit upon the bonds; and (iii) pursue any other legal action to protect and enforce its rights and compel performance of all duties required to be performed by the trust and the board.

Section 6. In addition to the other powers set forth in chapter 29C, the board may: (i) make loans and other forms of financial assistance to finance or refinance costs of climate resilient infrastructure projects as authorized by section 2; (ii) acquire, hold and sell local governmental obligations and other instruments evidencing the loans and other forms of financial assistance at such prices and in such manner as the board shall deem advisable; and (iii) secure bonds of the trust with loans, local governmental obligations and other instruments.

Section 7. Any municipality, tribal government and public water and wastewater district may apply to the executive office of energy and environmental affairs for a loan to assist in financing the cost of a climate resilient infrastructure project. At the option of the trust, loans may be unsecured or may be secured by local governmental obligations for delivery to the trust to evidence the loan. Each loan shall be made pursuant to a loan agreement between the trust and such entity acting by and through the officer or officers, board, committee or other body authorized by law, or otherwise its chief executive officer. The trust shall have such remedies with respect to defaults on such loans as set forth in section 11 of chapter 29C.

Chapter 29F

Community Septic Management Program Expansion

Section 1. As used in this chapter, the following words shall, unless the context clearly requires otherwise, have the following meanings:

"Domestic septic system", any properly functioning septic system serving a structure used for human habitation that is approved for the intended use pursuant to title 5 of the state environmental code established in 310 CMR 15.000, et seq.

"Enhanced nitrogen removal technology", an enhanced nitrogen removal alternative technology approved by the department of environmental protection in accordance with title 5 of the state environmental code established in 310 CMR 15.000, et seq.

"Loan agreement", an agreement entered into between the trust and a local governmental unit or other eligible borrower pertaining to a loan for the purchase and delivery of local governmental obligations or other instruments evidencing or securing a loan. The term "loan agreement" shall include, but shall not be limited to a: (i) loan agreement; (ii) trust agreement; (iii) trust indenture; (iv) security agreement; (v) reimbursement agreement; (vi) guarantee agreement; (vii) bond or note resolution; (viii) loan order; or (ix) similar instrument whether secured or unsecured.

"Local or regional board of health", any body politic or political subdivision of the commonwealth that acts as a board of health, public health commission or a health department for a municipality; provided, however, that "board of health" shall include, but shall not be limited to, municipal boards of health, regional health districts established under section 27B of chapter 111 and boards of health that share services pursuant to section 4A of chapter 40.

Section 2. (a) Notwithstanding chapter 29C or any other general or special law to the contrary, to reduce environmental impacts of nitrogen pollution in vulnerable communities, a local or regional board of health may enter into loan agreements, subject to appropriation, with owners of domestic septic systems to provide for the repair, replacement or upgrade of domestic septic systems.

funding

This definition should be deleted because none of the uses of 'loan agreement' in this chapter 29F mean this agreement between the Trust and the local government that funds the program of local loans to system owners (in addition, clause (i) is circular because it uses the term being defined). If the definition must remain and the concept is used somewhere in this chapter, suggest changing the defined term to "Funding Loan Agreement" so that the other uses of 'loan agreement' have their expected common meaning.

(b) A loan agreement pursuant to subsection (a) shall be to finance the repair, replacement or upgrade of a domestic septic system to incorporate new enhanced nitrogen removal technology or to repair or upgrade existing enhanced nitrogen removal technology.

Section 3. (a) A domestic septic system shall qualify for loan assistance if it is located within a: (i) watershed area of a nitrogen-impaired water body as identified in the latest United States Environmental Protection Agency approved final listing of the latest state Integrated List of Waters for the commonwealth; (ii) nitrogen sensitive area as defined in 310 CMR 15.002; or (iii) watershed area of a water body subject to the latest state established total maximum daily load for total nitrogen pollution that is approved by the United States Environmental Protection Agency.

clause (ii) of subsection 3(a) does not mention 'watershed'. If shared domestic septic systems in such areas are eligible for assistance, suggest deleting 'watershed' here.

(b) A shared domestic septic system located within a watershed area described in subsection (a) may qualify for loan assistance pursuant to subsection (a) for the repair, replacement or upgrade, including installation, if the: (i) shared domestic septic system replaces or services not less than 2 existing domestic septic systems; and (ii) combined shared domestic septic system, including its components, has a discharge volume of less than 10,000 gallons per day and incorporates enhanced nitrogen removal technology.

(c) To be eligible for loan assistance each affected owner of a structure used for human habitation benefiting directly from the shared domestic septic system shall enter into a loan agreement with the local or regional board of health in the city or town where such system is located for the repayment of the owner's proportionate share of the costs and expenses incurred by the local or regional board of health for the repair, replacement or upgrade of any part of the shared domestic septic system.

delete 'a loan'. This is saying the parties agree on a rate. it is not referencing a particular document

(d) An owner of a domestic septic system who enters into any loan agreement shall be responsible for all expenses incurred by the local or regional board of health, directly or indirectly, or required by the local or regional board of health and incurred by the owner for such repairs, replacement or upgrade of a domestic septic system. A notice of any loan agreement shall be recorded as a betterment and shall be subject to the provisions of chapter 80 relative to the apportionment, division, reassessment and collection of assessment, abatement and collections of assessments and to interest; provided, however, that for purposes of this section, such lien shall take effect by operation of law on the day immediately following the due date of such assessment or apportioned part of such assessment and such assessment may bear interest at a rate determined by the city or town treasurer by a loan agreement with the owner at the time a loan agreement is entered into between the local or regional board of health and the property owner. In addition to remedies available under chapter 80, the property owner shall be personally liable for the repayment of the total costs incurred by the city or town under this section; provided, however, that upon assumption of such personal obligation to a purchaser or other transferee of all of the original owners interest in the property at the time of conveyance and the recording of such assumption, the owner shall be relieved of such personal liability.

(e) Any costs incurred under this section may be funded by an appropriation or issuance of debt; provided, that any debt incurred shall be subject to chapter 44 and shall not exceed 20 years.

(f) Any appropriation or borrowing by the city or town pursuant to this section shall not be included for the purpose of computation of the levy or borrowing limits otherwise imposed upon such city or town by the General Laws.

(g) An agreement between an owner of domestic septic systems and a local or regional board of health shall not be considered a breach of limitation or prohibition contained in a note, mortgage or contract on the transfer of an interest in property.

Section 4. (a) For the purposes of this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:

"Condominium", shall have the same meaning as defined in section 1 of chapter 183A.

"Organization of unit owners", shall have the same meaning as defined in section 1 of chapter 183A.

"Unit owner", shall have the same meaning as defined in section 1 of chapter 183A.

(b) Notwithstanding chapter 183A, a local or regional board of health may enter into a betterment agreement with the organization of unit owners of a condominium to finance the repair, replacement or upgrade of a domestic septic system serving a unit, 1 or more of which is used for human habitation; provided, that the domestic septic system shall comprise part of the common areas and facilities.

(c) The betterment agreement shall: (i) be approved by a majority of the unit owners benefited by the repair, replacement or upgrade of the septic system or any combination of such septic system improvements; (ii) include an identification of the units and unit owners subject to the agreement and the percentages, as set forth in the master deed, of the undivided interests of the respective units in the common area and facilities; and (iii) include a statement by an officer or trustee of the organization of unit owners certifying that the required number of unit owners have approved the agreement. As between the affected unit owners and the city or town, such

certification shall be conclusive evidence of the authority of the organization of unit owners to enter into the agreement.

(d) A notice of agreement shall be recorded as a betterment in the registry of deeds or registry district of the land court where the master deed is recorded and shall otherwise be subject to chapter 80 as provided for in this section.

replace with 'chapter' . The reference is to chapter 29F.

(e) The assessment under such agreement may be charged or assessed to the organization of unit owners but shall not constitute an assessment of common expenses. Instead, the allocable share of the assessment, prorated on the basis of the percentage interests of the benefited units in the common areas and facilities, shall attach as a lien only to the units identified in the recorded notice and benefited by the repair, replacement or upgrade of the domestic septic system or any combination of such domestic septic system improvements and the owners of such units shall be personally liable for their allocable share of the assessment as provided for in this section.

Section 5. The department of environmental protection may promulgate regulations to carry out the purposes of this section.

SECTION 14. Subsection (a) of section 2 of chapter 29E of the General Laws, inserted by section 13, is hereby amended by striking out the words “and (v) any other amounts required to be credited to the trust by operation of law, resolution or agreement entered into by the board” and inserting in place thereof the following words:- (v) any other amounts required to be credited to the trust by operation of law, resolution or agreement entered into by the board; and (vi) any amounts transferred pursuant to paragraph (2) of subsection (d) of section 168 of chapter 175.

SECTION 15. Section 62E of chapter 30 of the General Laws, as appearing in the 2024 Official Edition, is hereby amended by adding the following paragraph:-

For the purposes of this paragraph, “nature-based solutions projects” shall include, but shall not be limited to, projects whose primary purpose is to restore, enhance or create wetland resource areas while increasing resilience or improving ecological function using natural methods and materials and “priority housing projects” shall mean housing projects that are: (i) housing-centered; (ii) dense; (iii) on infill sites; (iv) energy efficient; (v) designed to be adequately served by utilities; (vi) designed to promote resilience to flooding and other climate hazards; and (vii) designed to encourage access by multiple modes of transportation. The secretary of energy and environmental affairs, in consultation with the secretary of housing and livable communities, may establish categories of projects that are not presumed likely to cause damage to the environment and that shall not require an environmental impact report regardless of location for: (i) priority housing projects consistent with commonwealth land use planning and housing strategies and plans, climate resilient design guidelines and environmental priorities; and (ii) nature-based solutions projects. The priority housing projects and nature-based solutions projects shall meet standards determined by the secretary of energy and environmental affairs, in consultation with the secretary of housing and livable communities. Notwithstanding the foregoing, the secretary of energy and environmental affairs may determine that a particular project shall require an environmental impact report based on a review of a notification form submitted pursuant to section 62A.

SECTION 16. Section 1 of chapter 61 of the General Laws, as so appearing, is hereby amended by striking out the definitions of “cut”, “forest land”, “forest products”, “certification”, “contiguous land”, “forest management plan” or “management plan” and “cutting plan” and inserting in place thereof the following 7 definitions:-

“Certification”, approval of a forest management plan by the state forester.

"Contiguous land", land separated from other land under the same ownership by a public or private way, waterway or an easement for water supply.

"Cut", sever or taken from the soil.

"Cutting plan", a completed copy of a form approved by the state forester that describes the species, dimensions and quantity of a proposed forest crop to be harvested and which is certified by the state forester as being in accordance with sections 42 to 46, inclusive, of chapter 132.

"Forest land", land devoted to the growth of forest products. Upon application, the state forester may allow accessory land devoted to other non-timber uses to be included in certification.

"Forest management plan" or "management plan", a completed copy of a form provided by the state forester executed by the owner and the state forester that provides for a 10-year program of forest management which may include, but shall not be limited to, intermediate and regeneration cuttings.

"Forest products", wood, timber, Christmas trees, other tree forest growth, carbon sequestration and storage and any other product produced by forest vegetation.

SECTION 17. Section 8 of said chapter 61, as so appearing, is hereby amended by striking out, in lines 94 and 111, the words "section 23B of chapter 39" and inserting in place thereof, in each instance, the following words:- sections 18 to 25, inclusive, of chapter 30A.

SECTION 18. Said chapter 61 is hereby further amended by adding following section:-

Section 9. (a) The department of conservation and recreation shall have a first refusal option to meet a bona fide offer to purchase land proposed for sale pursuant to section 8 or an option to purchase such land at full and fair market value in the case of conversion, which option shall be subordinate to that of a town or city pursuant to section 8. Except as provided herein, the department shall have all applicable rights and obligations of cities and towns under section 8, including, but not limited to, the: (i) right of entry upon the land; (ii) provision of non-exercise notices; and (iii) recording of notices of exercise at the appropriate registry of deeds. The department or its assignee and the town or city may cooperate to satisfy the appraisal requirements or other obligations required by section 8 or this section.

(b) If the notice of intent to sell or convert provided to the state forester pursuant to section 8 does not contain all the required material, then the department, within 30 days of receipt of the notice, shall notify the landowner and town or city, in writing, that the notice is insufficient and does not comply.

(c) A holder of a mortgage shall send written notice of a mortgage foreclosure sale to the commissioner of the department in the same manner as to other parties as required by section 8.

(d) A city or town shall provide to the commissioner any notice of: (i) public hearing; (ii) exercise or non-exercise; and (iii) assignment in the same manner, and containing the same materials, as is required to be given to the landowner pursuant to section 8.

(e) The department may assign its option to the division of fisheries and wildlife of the department of fish and game; provided, that a notice of assignment shall be recorded pursuant to section 8.

(f) The department or its assignee may exercise its option only after: (i) consultation with the executive office of housing and livable communities and the executive office of economic development; and (ii) holding a public hearing. Said public hearing shall be held pursuant to sections 18 to 25, inclusive, of chapter 30A within the town or city where the land is located or in 1 such town or city if the land crosses a municipal boundary and shall be held prior to submission of a written notice of intent to exercise an option under this section. The department or assignee, at said hearing, shall disclose the reasons for exercise of the option pursuant to this section and identify any assignment by the department. The department or its assignee may comply with the public hearing requirement by participating in a scheduled public meeting of a town or city.

(g) The department or its assignee may exercise an option under this section by providing written notice of its intent to the town or city and landowner prior to the end of the same 120-day period available to the town or city for exercise of its option pursuant to section 8. An option so exercised shall be effective at such time as the town or city records a notice of non-exercise with the registry of deeds or at such time that the town's or city's option otherwise expires.

(h) The department shall record its notice of assignment or notice of exercise within 30 days of the earliest of: (i) receipt by the commissioner of a notice of non-exercise from the town or city; (ii) expiration of a town or city option by failure to record a notice of exercise or notice of assignment; or (iii) receipt by the commissioner of notice from the landowner of expiration for any other reason.

(i) Land acquired by the department or the division of fisheries and wildlife pursuant to this section shall be permanently dedicated for public purposes as specified in Article XCVII of the Amendments to the Constitution of the Commonwealth.

SECTION 19. Section 14 of chapter 61A of the General Laws, as appearing in the 2024 Official Edition, is hereby amended by striking out, in lines 95 and 112, the words “section 23B of chapter 39” and inserting in place thereof, in each instance, the following words:- sections 18 to 25, inclusive, of chapter 30A.

SECTION 20. Said chapter 61A is hereby further amended by inserting after section 14 the following section:-

Section 14A. (a) The department of agricultural resources shall have a first refusal option to meet a bona fide offer to purchase land proposed for sale pursuant to section 14 or an option to purchase such land at full and fair market value in the case of conversion, which option shall be subordinate to that of a town or city pursuant to section 14. Except as provided herein, the department shall have all applicable rights and obligations of cities and towns under section 14, including, but not limited to, the: (i) right of entry upon the land; (ii) provision of non-exercise notices; and (iii) recording of notices of exercise at the appropriate registry of deeds. The department or its assignee and the town or city may cooperate to satisfy the appraisal requirements or other obligations required by section 14 or this section.

(b) Any notice of intent to sell or convert required by section 14 and all required accompanying materials shall be provided to the commissioner of agricultural resources in the same manner as they are conveyed by the landowner to other parties. If the notice of intent to sell or convert provided to the commissioner does not contain all the required material, then the

department, within 30 days of receipt of the notice, shall notify the landowner and town or city, in writing, that the notice is insufficient and does not comply.

(c) A holder of a mortgage shall send written notice of a mortgage foreclosure sale to the commissioner of the department in the same manner as to other parties as required by section 14.

(d) A city or town shall provide to the commissioner any notice of: (i) public hearing; (ii) exercise or non-exercise; and (iii) assignment in the same manner, and containing the same materials, as to the landowner pursuant to section 14.

(e) The department may assign its option to the department of conservation and recreation; provided, that a notice of assignment shall be recorded pursuant to section 14.

(f) The department or its assignee may exercise its option only after: (i) consultation with the executive office of housing and livable communities and the executive office of economic development; and (ii) holding a public hearing. Said public hearing shall be held pursuant to sections 18 to 25, inclusive, of chapter 30A within the town or city where the land is located or in 1 such town or city if the land crosses a municipal boundary and shall be held prior to submission of a written notice of intent to exercise an option under this section. The department or assignee, at said hearing, shall disclose the reasons for exercise of the option pursuant to this section and identify any assignment by the department. The department or its assignee may comply with the public hearing requirement by participating in a scheduled public meeting of a town or city.

(g) The department or its assignee may exercise an option under this section by providing written notice of its intent to the town or city and landowner prior to the end of the same 120-day period available to the town or city for exercise of its option pursuant to section 14. An option so

exercised shall be effective at such time as the town or city records a notice of non-exercise with the registry of deeds or that the town's or city's option otherwise expires.

(h) The department shall record its notice of assignment or notice of exercise within 30 days of the earliest of: (i) receipt by the commissioner of a notice of non-exercise from the town or city; (ii) expiration of a town or city option by failure to record a notice of exercise or notice of assignment; or (iii) receipt by the commissioner of notice from the landowner of expiration for any other reason.

(i) Land acquired by the department of agricultural resources or the department of conservation and recreation pursuant to this section shall be permanently dedicated for public purposes as specified in Article XCVII of the Amendments to the Constitution of the Commonwealth.

SECTION 21. Section 9 of chapter 61B of the General Laws, as appearing in the 2024 Official Edition, is hereby amended by striking out, in lines 95 and 112, the words "section 23B of chapter 39" and inserting in place thereof, in each instance, the following words:- sections 18 to 25, inclusive, of chapter 30A.

SECTION 22. Said chapter 61B is hereby further amended by inserting after section 9 the following section:-

Section 9A. (a) The department of conservation and recreation shall have a first refusal option to meet a bona fide offer to purchase land proposed for sale pursuant to section 9 or an option to purchase such land at full and fair market value in the case of conversion, which option shall be subordinate to that of a town or city pursuant to section 9. Except as provided herein, the department shall have all applicable rights and obligations of cities and towns under section 9,

including, but not limited to, the: (i) right of entry upon the land; (ii) provision of non-exercise notices; and (iii) recording of notices of exercise at the appropriate registry of deeds. The department or its assignee and the town or city may cooperate to satisfy the appraisal requirements or other obligations required by section 9 or this section.

(b) If the notice of intent to sell or convert provided to the state forester pursuant to section 9 does not contain all the required material, then the department, within 30 days of receipt of the notice, shall notify the landowner and town or city, in writing, that the notice is insufficient and does not comply.

(c) A holder of a mortgage shall send written notice of a mortgage foreclosure sale to the commissioner of the department in the same manner as to other parties as required by section 9.

(d) A city or town shall provide to the commissioner any notice of: (i) public hearing; (ii) exercise or non-exercise; and (iii) assignment in the same manner, and containing the same materials, as is required to be given to the landowner pursuant to section 9.

(e) The department may assign its option to the division of fisheries and wildlife of the department of fish and game; provided, that a notice of assignment shall be recorded pursuant to section 9.

(f) The department or its assignee may exercise its option only after: (i) consultation with the executive office of housing and livable communities and the executive office of economic development; and (ii) holding a public hearing. Said public hearing shall be held pursuant to sections 18 to 25, inclusive, of chapter 30A within the town or city where the land is located or in 1 such town or city if the land crosses a municipal boundary and shall be held prior to submission of a written notice of intent to exercise an option under this section. The department

or assignee, at said hearing, shall disclose the reasons for exercise of the option pursuant to this section and identify any assignment by the department. The department or its assignee may comply with the public hearing requirement by participating in a scheduled public meeting of a town or city.

(g) The department or its assignee may exercise an option under this section by providing written notice of its intent to the town or city and landowner prior to the end of the same 120-day period available to the town or city for exercise of its option pursuant to section 9. An option so exercised shall be effective at such time as the town or city records a notice of non-exercise with the registry of deeds or at such time that the town's or city's option otherwise expires.

(h) The department shall record its notice of assignment or notice of exercise within 30 days of the earliest of: (i) receipt by the commissioner of a notice of non-exercise from the town or city; (ii) expiration of a town or city option by failure to record a notice of exercise or notice of assignment; or (iii) receipt by the commissioner of notice from the landowner of expiration for any other reason.

(i) Land acquired by the department of conservation and recreation or the department of fish and game pursuant to this section shall be permanently dedicated for public purposes as specified in Article XCVII of the Amendments to the Constitution of the Commonwealth.

SECTION 23. Section 2 of chapter 91 of the General Laws, as appearing in the 2024 Official Edition, is hereby amended by striking out, in line 22, the words "and council" and inserting in place thereof the following words:- or a designee.

SECTION 24. Section 2A of said chapter 91, as so appearing, is hereby amended by striking out, in lines 11, 15 and 20, the words “and council” and inserting in place thereof, in each instance, the following words:- or a designee.

SECTION 25. Section 4 of said chapter 91, as so appearing, is hereby amended by striking out, in line 4, the words “and council” and inserting in place thereof the following words:- or a designee.

SECTION 26. Section 5 of said chapter 91, as so appearing, is hereby amended by striking out, in line 1, the words “and council” and inserting in place thereof the following words:- or a designee.

SECTION 27. Section 6 of said chapter 91, as so appearing, is hereby amended by striking out, in lines 9 and 10, the words “and council” and inserting in place thereof the following words:- or a designee.

SECTION 28. Section 9A of said chapter 91, as so appearing, is hereby amended by striking out, in lines 17 and 18, the words “and council” and inserting in place thereof the following words:- or a designee.

SECTION 29. Section 13 of said chapter 91, as so appearing, is hereby amended by striking out, in lines 11 and 12, the words “and council” and inserting in place thereof the following words:- or a designee.

SECTION 30. Section 14 of said chapter 91, as so appearing, is hereby amended by striking out, in lines 6 and 7, the words “and council” and inserting in place thereof the following words:- or a designee.

SECTION 31. Section 18 of said chapter 91, as so appearing, is hereby amended by striking out, in lines 55 and 56, the words “newspaper or newspapers having a circulation in the area affected by said license at the expense of the applicant” and inserting in place thereof the following words:- manner specified by the department in regulations for the area affected by said license at the expense of the applicant. Until the regulations become effective, the notice shall be published at the same time as the preceding notices in a newspaper or newspapers having circulation in the area affected by the license at the expense of the applicant.

SECTION 32. Said section 18 of said chapter 91, as so appearing, is hereby further amended by striking out the tenth paragraph and inserting in place thereof the following paragraph:-

No license shall be granted for private tidelands unless, upon or prior to applying for a license pursuant to this section, the applicant shall submit to the clerk of the affected cities or towns where the work is to be performed an application containing the proposed use, the location, the dimensions and limits and the mode of work to be performed.

SECTION 33. Said chapter 91 is hereby further amended by inserting after section 18C the following 2 sections:-

Section 18D. (a) For the purposes of this section, “nature-based solutions projects” shall include, but shall not be limited to, projects whose primary purpose is to restore, enhance or create wetland resource areas while increasing resilience or improving ecological function using natural methods and materials.

(b) Notwithstanding any general or special law to the contrary, the department may issue a general license and general permit authorizing dredging, fill and structures associated with

certain activities and projects, as specified by the department, in tidelands, great ponds, rivers and streams that are otherwise subject to individual licensing under sections 12, 12A, 13, 14, 18 and 19, including, but not limited to: (i) marsh restoration and other ecosystem creation or restoration activities, such as vegetative plantings and streambed alteration that could include wads, and pedestrian bridge crossings; (ii) nature-based solutions projects; (iii) culvert replacements, including, but not limited to, those associated with bridges; (iv) great pond drawdowns; (v) dredging and placement of benthic barriers for invasive vegetation removal and harvesting; (vi) aquaculture not eligible for a permit or license under section 10A; (vii) dredging associated with activities not subject to licensing or permitting; (viii) temporary navigational and access impacts that last less than 1 year and are associated with activities not subject to licensing or permitting; (ix) pipelines, cables, conduits, sewers and similar structures installed under flowed tidelands or great ponds that are entirely embedded in the soil and that are installed by horizontal directional drilling or micro tunneling methods; (x) placement of cultch; and (xi) any other activities and projects that the department determines through regulations to be subject to a general license or permit.

(c) Projects beyond any established harbor line shall not be eligible for coverage under a general license or permit pursuant to this section unless the project is specifically authorized by law, or, if not so authorized, is limited to dredging activities or a structure or fill that is entirely embedded in the soil and does not in any part occupy or project into such tidewater beyond the harbor line; provided, however, that the department may at any time require any structure or fill to be removed or relocated if channel changes or alteration demands the same, as required by section 14; and provided further, that this subsection shall not affect the eligibility of projects in areas without established harbor lines.

(d) The department may consider the cumulative impacts of activities in a geographic area in determining whether a particular project is appropriate for coverage under a general license or permit.

(e) A licensee or permittee pursuant to this section shall comply with all general license or permit standards issued as regulations by the department and any specific conditions prescribed by the department pursuant to the general license or permit.

(f) A proponent of a project eligible for coverage under a general license or permit pursuant to this section shall certify compliance with its terms and conditions to the department and shall pay all applicable fees required by this chapter before beginning construction. The department may perform annual audits to monitor compliance with the general license or permit requirements of this section.

(g)(1) Upon or prior to applying for coverage under a general license or permit pursuant to this section, the project proponent shall: (i) submit to the planning board of a city or town where the work is to be performed and to the clerk of said city or town a statement of the proposed use, the location, the dimensions and limits and the mode of work to be performed; (ii) provide notice to the select board of the town or the mayor of the city and the conservation commission of the town or city where the work is to be performed; and (iii) provide public notice in a manner specified by the department by regulation.

(2) The project proponent shall specify by metes, bounds and otherwise the location, dimensions and limits and mode of performing the work and shall submit a plan of the work or structure in its application to the department for coverage under the general license or permit.

(3) A department certification for the general license for a project shall be void unless, within 60 days after certification, the department certification and the accompanying plan pursuant to paragraph (2) are recorded in the registry of deeds for the county or district in which the work is to be performed. Work or change in use shall not commence until the department general license certification is recorded and the department has received notification of said recordation. Such recording requirement shall not apply to a certification to the general permit.

(4) Assessments for tidewater displacement and occupation of commonwealth tidelands shall be paid by the project proponent in its application for coverage to the department.

(h) Any change in use or structural alteration of a licensed or permitted structure or fill shall require a new application to the department and, for projects seeking new coverage under a general license or general permit, compliance with the requirements of subsection (g). Any unauthorized substantial change in use or unauthorized substantial structural alteration shall render coverage under the general license or permit void. Coverage under the general license or permit granted by the department pursuant to this chapter shall be revocable by the department for noncompliance with the conditions set forth therein. The department shall not revoke coverage under any general license or permit until it has given written notice of the alleged noncompliance to the licensee or permittee and any person who has filed a written request for such notice with the department and afforded such person a reasonable opportunity to correct said noncompliance.

(i) Sections 18 and 20 shall not apply to projects subject to a general license or permit; provided, however, that the project proponent shall submit to the department plans of any

proposed work to be performed and a copy of any legislative grant in its application for coverage to the department.

(j)(1) The department shall adopt regulations to implement this section. Such regulations shall prescribe which activities are eligible for the general license or general permit and those projects that may allow for fill or structures to acclimatize to natural conditions; provided, that such projects shall not significantly interfere with any rights held by the commonwealth in trust for the public to use tidelands, great ponds and other waterways for lawful purposes and public rights of access on private tidelands, great ponds and other waterways for any lawful use.

(2) The department shall submit any regulations promulgated under this section to the joint committee on environment and natural resources for its review within 60 days prior to the effective date of said regulations.

Section 18E. (a) For the purposes of this section, "priority housing projects" shall mean housing projects that are: (i) housing-centered; (ii) dense; (iii) on infill sites; (iv) energy efficient; (v) designed to be adequately served by utilities; (vi) designed to promote resilience to flooding and other climate hazards; and (vii) designed to encourage access by multiple modes of transportation.

(b) Notwithstanding any general or special law to the contrary, the department may issue a general license authorizing priority housing projects consistent with commonwealth land use planning and housing strategies and plans, climate resilient design guidelines and environmental priorities in tidelands otherwise subject to individual licensing pursuant to sections 12, 12A, 13, 14, 18 and 19.

(c) Projects beyond any established harbor line shall not be eligible for coverage under a general license pursuant to this section unless the project is specifically authorized by law, or, if not so authorized, is limited to dredging activities or a structure or fill that is entirely embedded in the soil and does not in any part occupy or project into such tidewater beyond the harbor line; provided, however, that the department may at any time require any structure or fill to be removed or relocated if channel changes or alteration demands the same, as required by section 14; and provided further, that this subsection shall not affect the eligibility of projects in areas without established harbor lines.

(d) The department may consider the cumulative impacts of activities in a geographic area in determining whether a particular project is appropriate for coverage under a general license.

(e) A licensee pursuant to this section shall comply with all general license standards issued as regulations by the department and any specific conditions prescribed by the department pursuant to the general license.

(f) A proponent of a project eligible for coverage under a general license pursuant to this section shall certify compliance with its terms and conditions to the department and shall pay all applicable fees required by this chapter before beginning construction. The department may perform annual audits to monitor compliance with the general license requirements of this section.

(g)(1) Upon or prior to applying for coverage under a general license pursuant to this section, the project proponent shall: (i) submit to the planning board of a city or town where the work is to be performed and to the clerk of said city or town a statement of the proposed use, the

location, the dimensions and limits and the mode of work to be performed; (ii) provide notice to the select board of the town or the mayor of the city and the conservation commission of the town or city where the work is to be performed; and (iii) provide public notice in a manner specified by the department by regulation.

(2) The project proponent shall specify by metes, bounds and otherwise the location, dimensions and limits and mode of performing the work and shall submit a plan of the work or structure in its application to the department for coverage under the general license.

(3) A department certification for the general license for a project shall be void unless, within 60 days after certification, the department certification and the accompanying plan pursuant to paragraph (2) are recorded in the registry of deeds for the county or district where the work is to be performed. Work or change in use shall not commence until the department general license certification is recorded and the department has received notification of said recordation.

(4) Assessments for tidewater displacement and occupation of commonwealth tidelands shall be paid by the project proponent in its application for coverage to the department.

(h) Any change in use or structural alteration of a licensed structure or fill shall require a new application to the department and, for projects seeking new coverage under a general license, compliance with the requirements of subsection (g). Any unauthorized substantial change in use or unauthorized substantial structural alteration shall render coverage under the general license void. Coverage under the general license granted by the department pursuant to this chapter shall be revocable by the department for noncompliance with the conditions set forth therein. The department shall not revoke coverage under any general license until it has given written notice of the alleged noncompliance to the licensee and any person who has filed a

written request for such notice with the department and afforded such persons a reasonable opportunity to correct said noncompliance.

(i) Sections 18 and 20 shall not apply to projects subject to a general license; provided, however, that the project proponent shall submit to the department plans of any proposed work to be performed and a copy of any legislative grant in its application for coverage to the department.

(j)(1) The department shall adopt regulations to implement this section. Such regulations shall prescribe which activities are eligible for the general license and those projects that may allow for fill or structures to acclimatize to natural conditions; provided, however, that such projects shall not significantly interfere with any rights held by the commonwealth in trust for the public to use tidelands, great ponds and other waterways for lawful purposes and public rights of access on private tidelands, great ponds and other waterways for any lawful use.

(2) The department shall submit any regulations promulgated under this section to the joint committee on environment and natural resources for its review within 60 days prior to the effective date of said regulations.

SECTION 34. Section 31 of said chapter 91, as appearing in the 2024 Official Edition, is hereby amended by striking out, in line 9, the words “and council” and inserting in place thereof the following words:- or a designee.

SECTION 35. Section 35 of said chapter 91, as so appearing, is hereby amended by adding the following paragraph:-

Except as otherwise provided in this chapter, the commonwealth shall retain title to any waters or land below the low water line of a great pond in perpetuity. Persons passing by foot over areas between high water and low water lines of a great pond shall not be in violation of section 120 of chapter 266 nor subject to arrest for trespass; provided, that said persons shall remain within an area that a reasonable person would believe to be below the high water line, which shall include areas of wet sand and areas below the seaweed line. In areas where natural processes, with or without human intervention, have caused the landward or lateral movement of a barrier beach into an area below the historic low water line of any great pond, the portion of the barrier beach relocated into the former bottom of the great pond shall be and remain in commonwealth ownership in perpetuity; provided, that this paragraph shall not convert ownership of any portion of private property to public ownership in violation of Article X of the Declaration of Rights of the Constitution of the Commonwealth or the Fourteenth Amendment of the United States Constitution. As used in this paragraph, the term “barrier beach” shall mean a narrow low-lying strip of land generally consisting of coastal beaches and coastal dunes extending roughly parallel to the trend of the coast that is separated from the mainland by a narrow body of fresh, brackish or saline water or a marsh system. A barrier beach may be joined to the mainland at 1 or both ends.

SECTION 36. Said chapter 91 is hereby further amended by adding the following section:-

Section 65. (a)(1) The secretary, in consultation with the commissioner of environmental protection and the commissioner of fish and game, shall establish standards and guidelines for the resilient design of culverts, including, but not limited to, culverts associated with bridges. The purpose of the standards and guidelines shall be to expedite the permitting of new municipal

or replacement of existing municipal culverts. The standards and guidelines shall consider projected future levels of and impacts from precipitation, stormwater or flood events and impacts to fisheries and wildlife and their habitats and shall integrate the Massachusetts stream crossing standards and any other relevant standards, including then-current tidal crossing standards or resilience design standards. The standards and guidelines shall be based on scientific information, including, but not limited to, projected precipitation, hydrology and fisheries and wildlife and their habitats.

(2) The secretary, in consultation with the commissioner of environmental protection and the commissioner of fish and game, shall review the standards and guidelines not later than 5 years after they have been in effect.

(3) Nothing in this section shall be construed to limit the authority of the department of environmental protection to establish standards and guidelines for stream crossings; provided, that such standards shall not conflict with the standards established by the secretary pursuant to this section.

(b) No project shall be eligible for a general permit, general license or inclusion in a special category pursuant to subsections (d) to (f), inclusive, unless the project meets each of the following criteria:

(i) the project involves a municipal project to repair, reconstruct or replace an existing municipal culvert or culverts, including culverts associated with bridges with spans of less than 20 feet;

(ii) the project complies with the standards and guidelines issued pursuant to subsection (a) to the extent practicable;

(iii) except as needed to comply with clause (ii), the project provides substantially the same principal transportation capacity and is in a similar alignment to the structure to be repaired, reconstructed or replaced, including as to the immediate approaches necessary to connect a structure to an existing adjacent road, and the project does not include components of a reconstruction project other than the crossing and immediate approaches that are otherwise subject to permitting or licensing; provided, that the addition of sidewalks, bike lanes or shoulders that are collectively less than a single lane in width shall not be deemed to substantially change the principal transportation capacity of an existing structure;

(iv) if a project is located or will take place in priority habitat designated by the natural heritage and endangered species program of the division of fisheries and wildlife, the proponent has provided to that program for review all materials required by the program and the program has completed its review and has determined that the proponent has demonstrated that the project will not result in take with or without conditions; and

(v) the project complies with any other conditions established by regulations issued pursuant to this section.

(c) The secretary of energy and environmental affairs and the commissioner of environmental protection shall issue any regulations or take other actions necessary or appropriate to implement the use of the standards and guidelines established under subsection (a) to expedite implementation of projects meeting the criteria described in subsection (b) which require a certificate, permit, license or other approval pursuant to: (i) section 61 and sections 62A to 62L, inclusive, of chapter 30; (ii) chapter 91; (iii) section 40 of chapter 131; and (iv) section 401 of the federal Water Pollution Control Act, Public Law 92-500, 33 U.S.C. section 1251 et

seq., as amended. Any regulations shall require that for projects meeting the criteria described in subsection (b), the department of environmental protection shall issue, deny or waive individual certifications pursuant to said section 401 of the federal Water Pollution Control Act not later than 60 days of receipt of a complete application.

(d)(1) The department of environmental protection, for projects meeting the criteria described in subsection (b) and for the purposes of ensuring more expeditious processing of approvals for such projects, shall issue regulations that create a general permit for the authorization of such projects, or a subset thereof, under section 40 of chapter 131.

(2) The permittee shall comply with all general permit performance standards established by such regulations and any additional conditions specified by the approving authority that are necessary to protect the resource areas because of unique circumstances that are not addressed by the general permit performance standards. Local wetlands bylaws and ordinances shall not apply to the projects authorized under the general permit.

(3) The procedures described in said section 40 of said chapter 131 shall apply to general permits issued pursuant to this subsection; provided, however, that:

(A) Written notice of intention under the general permit shall be submitted to the conservation commission or its authorized representative and the department of environmental protection by electronic delivery in a manner prescribed by the department. A person submitting a notice of intention shall publish notification of the proposed project in a print newspaper of local or general circulation, or a newspaper's website, including on-line only newspaper publications, or a statewide or city- or town-wide website that may be maintained as a repository for such notices at the time of submittal of the notice of intention. Said notification shall describe

the project location, details of the project, resource area impacts and any other relevant information needed to adequately describe the proposed project and shall specify that comments be sent within 14 days of publication to the conservation commission and the appropriate regional office of the department of environmental protection based on the location where the activities are proposed. No public hearing shall be required.

(B) If, after reviewing the notice of intention, the conservation commission determines the project meets the criteria described in subsection (b), including any standards developed by the department of environmental protection, then the conservation commission shall issue an order of conditions containing any conditions pursuant to regulations established under paragraph (1) of subsection (d) not later than 42 days of a complete notice of intention under this general permit. Notices of intention not meeting the criteria of this paragraph shall be denied.

(4) If a conservation commission fails to issue an order of conditions or denial within the required time period, the project proponent may, not later than 10 days after such failure to act, request a superseding order of conditions from the department of environmental protection. The department of environmental protection shall make a decision and issue a written order or denial not later than 42 days from receipt of a complete application.

(5) The twentieth paragraph of section 40 of chapter 131 shall not apply to the general permit except that not later than 10 days of receipt by the department of environmental protection of an order of conditions issued pursuant to this general permit, the department may appeal such order of conditions pursuant to said twentieth paragraph of said section 40 of said chapter 131.

(e) Notwithstanding any general or special law to the contrary, the department of environmental protection, for projects meeting the criteria described in subsection (b) and for the purposes of ensuring more expeditious processing of approvals for such projects, shall issue regulations to create a general license for the authorization of such projects, or a subset thereof, which are otherwise subject to individual licensing under sections 12, 12A, 13, 14, 18 and 19. Licensees shall comply with any general license performance standards established by such regulations and any additional conditions specified by the department. A proponent of a project eligible for a general license under this section shall certify compliance with its terms and conditions to the department on such timelines as the department requires and shall pay all applicable fees required by the department. The department shall review such certification and, if consistent with the general license, confirm compliance in writing not later than 60 days of receipt of a complete application. No construction subject to said chapter 91 shall commence prior to issuance of such certification by the department. The regulations shall protect and preserve any rights held by the commonwealth in trust for the public to use tidelands, great ponds and other waterways for lawful purposes and public rights of access on private tidelands, great ponds and other waterways for any lawful use. Subsections (g) to (i), inclusive, of section 18D shall apply to general licenses issued pursuant to this paragraph.

(f) Notwithstanding any general or special law to the contrary, the secretary may by regulation provide that projects meeting the criteria described in subsection (b), or a subset of such projects, shall be a special category of project which shall not require an environmental impact report under section 62B of chapter 30 regardless of location.

(g) The department of environmental protection shall consolidate adjudicatory proceedings regarding the same proposed project that are requested for permits and licenses

pursuant to subsections (d) to (f), inclusive, or certifications pursuant to subsection (c) unless consolidation would not contribute to expeditious resolution of the appeals.

(h) The department and executive office shall provide support and guidance to cities and towns to assist them in applying concurrently for and otherwise streamlining the review and approval of projects eligible for general permits, general licenses or other approvals pursuant to this section.

(i) Nothing in this section shall be construed to change the application of section 24 of chapter 79 of the acts of 2014.

SECTION 37. Section 65 of said chapter 91 is hereby repealed.

SECTION 38. Section 33 of chapter 92 of the General Laws, as appearing in the 2024 Official Edition, is hereby amended by striking out the fourth paragraph.

SECTION 39. Subsections (c) and (d) of section 34B of said chapter 92 are hereby repealed.

SECTION 40. Sections 37 and 38 of said chapter 92 are hereby repealed.

SECTION 41. Section 42 of said chapter 92, as appearing in the 2024 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The commission may grant to towns, or to a water or sewer authority or district, locations for common sewers and drains or water supply infrastructure in and across roadways and any associated rights of way under its care and control.

SECTION 42. Said section 42 of said chapter 92, as so appearing, is hereby further amended by inserting after the word “sewer”, in line 3, the following words:- or water supply infrastructure of a town.

SECTION 43. The seventeenth paragraph of section 150A of chapter 111 of the General Laws, as so appearing, is hereby amended by inserting after the first sentence the following 3 sentences:- Personnel or authorized agents of the department may, at all reasonable times, enter any premises, public or private, for the purpose of investigating, sampling or inspecting any records, condition, equipment, practice or property relating to activities subject to this section, and may, at any time, enter such premises for the purpose of protecting the public health or safety or to prevent damage to the environment. For the purposes of any entry described in the preceding sentence, no warrant shall be required; provided, however, that upon demand by the owner or person in control of such premises, a warrant authorizing such entry and inspection shall be sought after such demand. Any court, judge or justice authorized to issue warrants in criminal cases may issue such warrants.

SECTION 44. Section 2B of chapter 128 of the General Laws, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following 2 sentences:- Whoever violates this section or section 2A, or any rule or regulation made thereunder, shall be punished by: (i) a fine of not more than $10,000 or imprisonment for not more than 2 ½ years, or both; or (ii) a civil administrative penalty issued by the department not to exceed $500 per offense; provided, that the total administrative penalties assessed in any given action under this section shall not exceed $10,000. Each violation shall constitute a separate offense, and each day a violation continues shall constitute a separate offense.

SECTION 45. Section 2C of said chapter 128, as so appearing, is hereby amended by inserting after the word “owner”, in line 12, the following words:- , trainer or driver.

SECTION 46. Said section 2C of said chapter 128, as so appearing, is hereby further amended by inserting after the word “by”, in line 13, the following words:- , trained by, driven by.

SECTION 47. Said section 2C of said chapter 128, as so appearing, is hereby further amended by inserting after the third paragraph the following 3 paragraphs:-

Any owner, trainer or driver of any animal that tests positive for the presence of drugs, as defined in regulations promulgated by the department, in any other state shall be prohibited from entering any animal in a drawing contest in the commonwealth for 2 years from the date of any such drug test; provided, however, that the commissioner may authorize a lesser prohibition of not less than 1 year for good cause.

Notification from any other state of a positive drug test shall be prima facie evidence that a drug has been administered and shall result in automatic prohibition from entry in a drawing contest in the commonwealth without further testing or investigation required by the department.

Any animal participating in a contest conducted under paragraph (f) of section 2 shall have a radio frequency identification or microchip implant for identification purposes. The pull superintendent or the assistant pull superintendent at such contest shall verify the animal’s identification at the time of weigh-in and at the time of entry for the purposes of ensuring the animal has not tested positive for the presence of drugs in violation of this section.

SECTION 48. Sections 13A and 13B of said chapter 128 are hereby repealed.

SECTION 49. Said chapter 128 is hereby amended by striking out sections 51 to 63, inclusive, as appearing in the 2024 Official Edition, and inserting in place thereof the following 11 sections:-

Section 51. As used in sections 51 to 61, inclusive, the following words shall, unless the context clearly requires otherwise, have the following meanings:

"Commercial feed", all materials or combination of materials which are distributed or intended for distribution for use as feed or for mixing in feed, unless such materials are specifically exempted by the department in regulations.

"Customer-formula feed", commercial feed which consists of a mixture of commercial feeds or feed ingredients, each batch of which is manufactured according to the specific instructions of the final purchaser.

"Distribute", to offer for sale, sell, exchange, barter, supply, furnish or otherwise provide commercial feed.

"Drug", any article intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in animals other than humans, and articles other than commercial feed intended to affect the structure or any function of the animal body.

"Feed", any substance that is intended for use as food for animals other than humans; provided, that "feed" shall include commercial feed and feed ingredients.

"Forage", dry hay, grass, legumes, haylage, baleage, corn and silage.

"Label", a display of written, printed or graphic matter upon or affixed to the container in which a commercial feed is distributed, or on the invoice or delivery slip with which a commercial feed is distributed.

"Manufacture", to grind, mix or blend, or further process a commercial feed for distribution.

"Official sample", a sample of commercial feed taken by the department pursuant to section 59.

"Person", an individual, partnership, corporation, limited liability company, cooperative, business trust, business association or entity.

Section 52. (a) No person shall manufacture or distribute commercial feed in the commonwealth without first obtaining a registration for such feed from the department.

(b) An application for registration of commercial feed shall include:

(i) the name and address of the applicant;

(ii) the name and address of the premises of the applicant's commercial feed operation;

(iii) a label required pursuant to section 53 or other printed matter including, but not limited to, handling instructions, precautions and other relevant information, describing the commercial feed;

(iv) a written consent allowing the department to conduct both scheduled and random inspections, including, but not limited to: (A) for-cause inspections in response to complaints

made to the department; and (B) inspections of and around the premises on which the commercial feed is being manufactured or distributed;

(v) a nonrefundable application fee in an amount that shall be established by the department by regulation; and

(vi) any other information as the department may require by regulation.

(c) Upon approval by the department, a copy of the registration shall be furnished to the applicant and the applicant shall be required to submit a registration fee in an amount to be determined by the department by regulation. All registrations shall expire on December 31 of each year. Failure to submit all required application materials and information required pursuant to subsection (b) shall result in non-issuance of the registration until such time as all application requirements have been met to the department's satisfaction.

(d) Persons who have registered a commercial feed pursuant to this section shall notify the department of any changes in the guarantee of either chemical or ingredient composition of such feed not less than 30 days prior to the registrant's intended manufacture or distribution of such feed in the commonwealth. New registration of the commercial feed shall not be required if the department determines that such change would not result in lowering the feed value of the commercial feed for the purpose for which it was designed.

(e) The department may refuse the registration of any application not in compliance with sections 51 to 61, inclusive, or regulations issued thereunder, and may cancel any registration subsequently found to violate any provision thereof; provided, however, that no application shall be refused and no registration shall be cancelled without first providing the applicant or registrant an opportunity to amend the application or otherwise obtain an adjudicatory hearing

pursuant to chapter 30A and the regulations promulgated thereunder concerning the refusal of an application or cancellation of a registration.

(f) This section and sections 53 to 61, inclusive, shall not apply to a farmer who grows feed in the commonwealth that consists of forage and who distributes such feed to another farmer in the commonwealth; provided, however, that such feed shall not: (i) contain any drug; (ii) be manufactured; and (iii) be customer-formula feed. For purposes of this subsection, the addition of preservatives when harvesting, cutting, bailing, wrapping or fermenting such feed shall not be considered manufacturing.

Section 53. (a) A commercial feed manufactured or distributed in the commonwealth shall be labeled in compliance with this section.

(b) Commercial feed, except a customer-formula feed, shall be accompanied by a label bearing, at a minimum, the following information:

(i) the quantity of the commercial feed within the package, including, but not limited to, weight, volume or other applicable methods of measurement;

(ii) the product name and the brand name, if any, under which the commercial feed is distributed;

(iii) the guaranteed analysis stated in terms as required by the department through regulations to advise the user of the composition of the commercial feed or to support claims made in the labeling;

(iv) the ingredient statement, which shall be in terms as required by the department through regulations, including, but not limited to, the common or usual name of each ingredient

used in the manufacture of the commercial feed; provided, however, that the department, by regulation, may permit the use of a collective term for a group of ingredients that perform a similar function; and provided further, that the department may exempt such commercial feeds, or any group thereof, from the requirement of an ingredient statement if the department finds that such statement is not required in the interest of consumers;

(v) the name and principal mailing address of the manufacturer or the person responsible for distributing the commercial feed;

(vi) the use directions or precautionary statements as the department, by regulation, determines are necessary for the safe and effective use of the commercial feed, including, but not limited to, adequate directions for use of all commercial feeds containing drugs;

(vii) the date of manufacture, processing, packaging or repackaging or a code that permits the determination of a date of manufacture; and

(viii) any other information as the department may require by regulation.

(c) A customer-formula feed shall be accompanied by a label, invoice, delivery slip or other shipping document, bearing, at a minimum, the following information:

(i) the name and address of the manufacturer;

(ii) the name and address of the purchaser;

(iii) the date of delivery;

(iv) the product name and quantity statement of each commercial feed and each other ingredient used in the mixture;

(v) the use directions and precautionary statements as the department may require by regulation that are necessary for the safe and effective use of the customer-feed formula, including, but not limited to, adequate directions for use of all customer-formula feeds containing drugs;

(vi) a statement on the label that states: “This feed was manufactured according to specific instructions provided by (name of the person who provided the instructions) and cannot be sold to any other person.”;

(vii) the date of manufacture, processing, packaging or repackaging or a code that permits the determination of a date of manufacture; and

(viii) any other information as the department may require by regulation.

Section 54. (a) Except as otherwise provided by regulation, a commercial feed manufactured or distributed in the commonwealth shall be deemed to be misbranded if:

(i) its labeling is false, deceptive or misleading in any way;

(ii) it is sold or distributed under the name of another commercial feed;

(iii) its labeling does not comply with section 53 or the department’s regulations;

(iv) it purports to be or is represented as a commercial feed but is not a commercial feed, it purports to contain or is represented as containing a commercial feed ingredient but does not contain a commercial feed ingredient or the feed ingredient does not conform to the definition of commercial feed and any regulations promulgated by the department; or

(v) it is otherwise determined by the department to be misbranded pursuant to sections 51 to 61, inclusive, or the department's regulations.

Section 55. Except as otherwise provided by regulation, a commercial feed manufactured or distributed in the commonwealth shall be deemed to be adulterated if:

(i) it bears or contains any poisonous or deleterious substance that may render it injurious to human or animal health; provided, however, that if the substance is not an added substance, such commercial feed shall not be considered adulterated under this subsection if the quantity of such substance in such commercial feed does not ordinarily render it injurious to human or animal health;

(ii) it bears or contains any added poisonous, deleterious or non-nutritive substance that is unsafe within the meaning of section 406 of the federal Food, Drug and Cosmetic Act, 21 U.S.C. 346;

(iii) it is, or it bears or contains, any food additive which is unsafe within the meaning of section 409 of the federal Food, Drug and Cosmetic Act, 21 U.S.C. 348;

(iv) it is a raw agricultural commodity and bears or contains a pesticide chemical that is unsafe within the meaning of section 408(a) of the federal Food, Drug and Cosmetic Act, 21 U.S.C. 346a(a);

(v) it is, or it bears or contains, any color additive which is unsafe within the meaning of section 721 of the federal Food, Drug and Cosmetic Act, 21 U.S.C. 379e;

(vi) it is, or it bears or contains, any new animal drug that is unsafe within the meaning of section 512 of the federal Food, Drug and Cosmetic Act, 21 U.S.C. 360b;

(vii) it consists, in whole or in part, of any filthy, putrid or decomposed substance, or is otherwise unfit for feed;

(viii) it has been prepared, packed or held under unsanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered harmful to health;

(ix) it is, in whole or in part, the product of a diseased animal or of an animal that has died other than by slaughter, which is unsafe within the meaning of section 402(a)(1) or (2) of the federal Food, Drug and Cosmetic Act, 21 U.S.C. 342(a)(1)-(2);

(x) its composition or quality falls below or differs from that which it is purported or is represented to possess by its labeling;

(xi) it contains a drug and the methods used in, or the facilities or controls used for, its manufacture, processing or packaging do not conform to good manufacturing practices and standards established in regulations promulgated by the department to assure that the drug meets the requirements of sections 51 to 61, inclusive, as to safety and has the identity and strength and meets the quality and purity characteristics which it purports or is represented to possess;

(xii) it is manufactured or distributed or used as commercial feed in a manner that does not conform with, or contains any substance that is prohibited by, any regulations as may be promulgated by the department under sections 51 to 61, inclusive; or

(xiii) it is otherwise determined by the department to be adulterated pursuant to sections 51 to 61, inclusive, or associated regulations.

Section 56. It shall be unlawful to perform or cause to be performed the following acts:

(i) the adulteration or misbranding of any commercial feed;

(ii) the manufacture or distribution of any commercial feed that is adulterated or misbranded;

(iii) the knowing use of any feed that is adulterated for any cattle, sheep, goats, swine, poultry or any other animals if such animals are raised to produce human food;

(iv) the removal or disposal of a commercial feed in violation of section 60 or department regulations;

(v) the failure or refusal to register a commercial feed in accordance with section 52 or department regulations prior to manufacturing or distributing commercial feed;

(vi) the failure to maintain any records required by sections 51 to 61, inclusive, or department regulations;

(vii) the impediment, obstruction or hindering by any person of the department in the discharge of the authority or duties conferred or imposed by any provisions of sections 51 to 61, inclusive, or department regulations;

(viii) any sale, offer or exposure for sale of any commercial feed or mixture thereof by any person in violation of any regulation promulgated under sections 51 to 61, inclusive;

(ix) the failure to comply with any other provision of sections 51 to 61, inclusive, or department regulations and not otherwise specified in this section; or

(x) such other acts as may be determined by the department by regulation to violate sections 51 to 61, inclusive.

Section 57. (a) The department may promulgate regulations, consistent with the requirements in chapter 30A, for commercial feeds as authorized in sections 51 to 61, inclusive.

(b) The department may cooperate and enter into agreements with other agencies and departments, other states and the federal government to effectuate the purpose and provisions of sections 51 to 61, inclusive.

(c) The department may, as necessary and by regulation, adopt and enforce federal standards concerning commercial feed.

Section 58. (a) For the purpose of enforcement of sections 51 to 61, inclusive, and in determining compliance with sections 51 to 61, inclusive, officers or employees duly designated by the department, upon presenting appropriate credentials, may:

(i) enter, during normal business hours, any building, structure, land, vehicle or other premises, public or private, within the commonwealth, in or on which commercial feeds are manufactured, processed, packed, distributed, transported, stored, disposed of, used or held for distribution, or to enter any vehicle being used to transport or hold such feeds; and

(ii) inspect at reasonable times, within reasonable limits and in a reasonable manner, including, but not limited to, scheduled visits, random visits or for-cause visits made in response to a complaint of alleged violation received by the department, such premises, property or vehicle and all pertinent equipment, finished and unfinished materials, containers and labeling therein; provided, that the inspection may include, but shall not be limited to, obtaining samples and the verification of records and production and control procedures related to the manufacture, distribution, storage, handling, use or disposal of commercial feed as may be necessary to determine compliance with sections 51 to 61, inclusive.

(b) The department may promulgate regulations to effectuate this section, including, but not limited to, regulations that define notice requirements prior to inspection, official sampling and analysis procedures, recordkeeping requirements and any other requirements determined by the department to be necessary.

(c) If the owner or owner's agent of any building, structure, land, vehicle or other premises or property described in subsection (a) refuses to admit the department to enter or inspect in accordance with subsection (a), the department may obtain from the court for the district or county in which such building, structure, land, vehicle or other premises or property is located an administrative warrant to enter and inspect such building, structure, land, vehicle or other premises or property and to obtain samples of such feeds, feed ingredients or raw agricultural commodities in accordance with section 59, prior to entry, inspection and sampling. The district and superior courts may issue warrants upon a proper showing of the need for such entry, inspection and sampling.

Section 59. (a) The department may obtain official samples of all commercial feeds manufactured or distributed in the commonwealth. Samples may be obtained during inspections pursuant to section 58 and any regulations as may be promulgated thereunder by the department and may be analyzed by the department to determine compliance with sections 51 to 61, inclusive, and the department's regulations.

(b) The department shall forward the results of all analyses of official samples to the person named on the label and to the purchaser. When the inspection and analysis of an official sample indicates a commercial feed has been adulterated or misbranded, and upon request within a time period to be established by the department by regulation following the receipt of the

analysis, the department may furnish to the manufacturer a portion of the sample concerned. The department, in determining whether a commercial feed is deficient in any component, shall be guided by the official sample obtained and analyzed pursuant to this section.

Section 60. (a) The department shall enforce sections 51 to 61, inclusive.

(b) The department shall take all reasonable actions to ensure that no commercial feed in violation of sections 51 to 56, inclusive, sections 58 and 59 and department regulations, enters commerce in the commonwealth, including, but not limited to, orders for stop sale, quarantine, detainment, withdrawal from distribution, condemnation, confiscation, destruction or any other actions as may be determined by the department.

(c) Whoever violates any provision of sections 51 to 61, inclusive, or hinders the carrying out of any part thereof or, after receipt of a written request from the department, unreasonably refuses or neglects to comply with any order or regulation lawfully made under this section, may be subject to a civil administrative penalty issued by the department. The notice of assessment of civil administrative penalty shall include, but shall not be limited to, the amount of the penalty, the date the penalty shall be due, a statement of the alleged violator’s right to an adjudicatory hearing pursuant to this section and chapter 30A regarding the assessment, and the manner of acceptable payment if an election to waive a hearing is made. A person shall be deemed to have waived all rights to an adjudicatory hearing unless, within 21 days of the date of the department’s notice, the person files a written notice, by hand or by certified mail, return receipt requested, requesting such adjudicatory hearing. In the event that such request is not received in accordance with this section, the proposed civil administrative penalty shall become final, and payment shall be due in accordance with the notice.

(d) Without alleging or proving the lack of other adequate remedies at law, and notwithstanding the existence of any other remedies at law, the attorney general may apply for a temporary or permanent injunction to restrain any violation of sections 51 to 61, inclusive, or department regulations.

(e) The remedies provided in this section shall be available in addition to, and without limiting, any other penalties provided by law or equity, in this chapter or elsewhere. The district and superior courts shall have concurrent jurisdiction to enforce sections 51 to 61, inclusive and restrain violations thereof. Enforcement actions brought under this section and appeals thereof shall conform to the applicable provisions of chapter 30A and informal hearing regulations promulgated thereunder.

Section 61. Annually, the department shall publish, in such forms as the department may deem proper, information concerning the sales of commercial feeds, together with such data on their production, composition and use as the department may consider advisable, and a report of the results of the analyses of official samples of commercial feeds sold within the commonwealth as compared with the analyses guaranteed in the registration and on the label; provided, that any information concerning production and use of commercial feed shall not disclose the operations of any person.

SECTION 50. Said chapter 128 is hereby further amended by adding the following section:-

Section 125. (a) The supreme judicial court or any justice thereof, and the superior court or any justice thereof, shall have jurisdiction in equity to enforce this chapter and regulations

promulgated thereunder. Proceedings to enforce this chapter and regulations promulgated thereunder may be instituted and prosecuted by the attorney general.

(b) The remedies provided under this section shall be available in addition to, and without limiting, any other penalties provided by law or equity, in this chapter or elsewhere.

(c) The commissioner may issue orders necessary to enforce this chapter and to restrain violations thereof. Such orders shall be effective pending resolution of any appeal, unless otherwise ordered by a court of competent jurisdiction.

SECTION 51. Chapter 131 of the General Laws is hereby amended by inserting after section 6 the following section:-

Section 6A. (a) The director shall consider land under the care and control of the division for potential designation and long-term passive management as a forest reserve and shall recommend designation of land as a forest reserve; provided, that such designation shall: (i) contribute to carbon sequestration and storage as part of the commonwealth's climate mitigation strategy; (ii) allow for unique older forest habitats to mature and develop over time without intended intervention in ecological processes as part of a holistic, statewide, biodiversity conservation strategy; (iii) enhance climate resilience through the maintenance of connected natural landscape blocks and species movement corridors that provide a variety of important ecosystem processes, functions and services; (iv) provide unique opportunities for compatible passive outdoor recreation and other public enjoyment to serve a diverse public with wide-ranging recreational values; and (v) facilitate ecological research, comparative studies of forest dynamics and long-term monitoring to evaluate reserves as compared to other land management approaches.

(b) The director, with the approval of a majority of the members of the fisheries and wildlife board present at a duly called meeting of the board, may designate land under the care and control of the division as a forest reserve. Forest reserves shall be managed consistent with such designation unless the director, with the approval of not less than a two-thirds majority of the members of the fisheries and wildlife board present at a duly called meeting of the board, and with the approval of the secretary of energy and environmental affairs, rescinds the designation.

(c) Designation of land as a forest reserve, or the recission thereof, shall constitute an administrative designation and shall not: (i) change the entity with respect to the care, custody and control of the land; (ii) constitute a change in the use of the land; (iii) otherwise dispose of land or an interest in land; or (iv) otherwise change the existing status of the land as a wildlife management area or other land management unit.

(d) The department, to the greatest degree possible, shall passively manage forest reserves to allow natural processes to determine changes in the structure and composition of the forest ecosystem. Forest reserves shall not be: (i) managed for production of timber or forest products; or (ii) intentionally manipulated. Any active management shall be avoided, to the extent feasible, even when disturbances occur. After consultation with a forest reserve science and technical advisory committee to be administered by the secretary of energy and environmental affairs, the division may undertake active management or assisted restoration actions to: (i) sustain ecosystem function, vital ecosystem services and habitat values; (ii) control problematic pests, pathogens and invasive species; (iii) restore water and wetland resources; (iv) protect public safety; or (v) address other unforeseen circumstances. The division may undertake such other management actions as may be required by law.

(e) The following shall be permitted within the forest reserves: (i) compatible passive outdoor recreation; (ii) regulated hunting and trapping; (iii) conversion or removal of plantations; (iv) maintenance or repair of existing forest roads, trails and administrative access points; (v) preservation of historic and cultural resources; (vi) removal of immediate threats to public safety; (vii) selective understory invasive plant control; and (viii) monitoring and research activities.

SECTION 52. The first paragraph of section 40 of said chapter 131, as appearing in the 2024 Official Edition, is hereby amended by striking out the second to fifth sentences, inclusive, and inserting in place thereof the following 4 sentences:- Said notice shall be filed by delivery in hand to the conservation commission or its authorized representative or by certified mail, return receipt requested, to said commission, or, if none, to the select board or board of selectmen in a town or the mayor of a city in which the proposed activity is to be located, or by electronic delivery to the conservation commission, or, if none, to the select board, board of selectmen or mayor, as specified in regulations promulgated by the department of environmental protection. Upon such filing, the receipt of such notice shall be acknowledged in writing and shall include the time and date so received. A person delivering said notice by hand shall be given a receipt in writing acknowledging the time and date of such filing. Copies of such notice shall be sent concurrently by electronic delivery to the department of environmental protection.

SECTION 53. Said section 40 of said chapter 131, as so appearing, is hereby further amended by striking out, in line 74, the figure “1,000” and inserting in place thereof the following figure:- 100.

SECTION 54. Said section 40 of said chapter 131, as so appearing, is hereby further amended by striking out the third paragraph and inserting in place thereof the following 2 paragraphs:-

Within 21 days of the receipt by a conservation commission of a written request made by any person by a method of delivery as specified in regulations, said commission shall make a written determination as to whether this section is applicable to any land or work thereon. When such person is other than the owner, notice of any such determination shall also be sent to the owner. As specified by the department in regulations, certain activities may be approved by determinations with conditions, and without the filing of a notice of intention if the conditions ensure that the activities will have negligible or minor wetlands impacts. Temporary impacts may also be approved with a determination with conditions; provided, that the wetlands shall be fully restored as specified by the department in regulations. Violation of a condition of a determination of applicability shall be a violation of this section.

The department may designate by regulation types of proposed work that have insignificant wetlands impacts and may be approved by the conservation agent or conservation commission chair or by the department in writing and without a notice of intention or determination and without a public hearing. Such approval may include, but shall not be limited to, any conditions necessary to further the interests of this section. A copy of the approval shall be sent to the department at the same time it is sent to the applicant, and the department shall have 7 days from receipt to revoke the approval.

SECTION 55. Said section 40 of said chapter 131, as so appearing, is hereby further amended by striking out the seventeenth to nineteenth paragraphs, inclusive, and inserting in place thereof the following 3 paragraphs:-

The conservation commission, select board, board of selectmen or mayor receiving notice under this section shall hold a public hearing on the proposed activity within 21 days of the receipt of said notice. Notice of the time and place of said hearing shall be given by the hearing authority at the expense of the applicant, not less than 5 days prior to such hearing, or another period of time specified in department regulations, by publication in a newspaper of general circulation in the city or town where the activity is proposed, or by notice on the city or town website or other means, as specified in regulations promulgated by the department, and by mailing a notice to the applicant and to the board of health and the planning board of said city or town. The conservation commission and its agents, officers and employees and the commissioner of environmental protection and their agents and employees, may enter upon privately owned land for the purpose of performing their duties under this section. No conditions shall be imposed, nor shall any determination be rendered by a conservation commission, in reference to this section, unless the conservation commission meets with a quorum present. The department may provide by regulation that certain activities that require a notice of intention may not require a public hearing but shall require public notice.

If, after said hearing or after deliberation of the conservation commission, select board, board of selectmen or mayor, on the notice of intent where no hearing is required, the conservation commission, select board, board of selectmen or mayor, as the case may be, determines that the area on which the proposed work is to be done is significant to: (i) public or private water supply; (ii) the groundwater supply; (iii) flood control; (iv) storm damage

prevention; (v) prevention of pollution; (vi) protection of land containing shellfish; (vii) the protection of wildlife habitat; (viii) the protection of fisheries; (ix) resilience for changing climate conditions; or (x) the protection of the riverfront area consistent with the following purposes, to: (A) protect the private or public water supply; (B) protect the ground water; (C) provide flood control; (D) prevent storm damage; (E) prevent pollution; (F) protect land containing shellfish; (G) protect wildlife habitat; (H) protect the fisheries; or (I) resilience for changing climate conditions, such conservation commission, select board, board of selectmen or mayor shall, by written order, within 21 days of such hearing, or within 21 days from publication of the notice if no hearing is required, impose such conditions as will contribute to the protection of the interests described herein, and all work shall be done in accordance therewith. If the conservation commission, select board, board of selectmen or mayor, as the case may be, determines that the proposed activity does not require the imposition of such conditions, the applicant shall be notified of such determination within 21 days after said hearing, or within 21 days from publication of the notice if no hearing is required. Such order or notification shall be signed by the mayor or a majority of the conservation commission or select board or board of selectmen, as the case may be, and a copy thereof shall be sent forthwith to the applicant and to the department. The department may designate, by regulation, types of proposed work, including, but not limited to: (i) certain nature-based solutions projects, as defined in section 62E of chapter 30, ecological restoration, or wetlands resilience projects; or (ii) priority housing projects, as defined in section 62E of chapter 30, consistent with commonwealth land use planning and housing strategies and plans, climate resilient design guidelines and environmental priorities, that may be approved with a general order of conditions; provided, that the proposed project does not result in impacts to areas subject to jurisdiction that are greater than those

specified by the department in regulations. For linear shaped projects where work is proposed in 3 or more adjacent municipalities, the applicant shall submit a notice of intent, request for determination or other request, specified by the department in regulations, directly to the department for review and decision. Prior to issuing a decision, the department shall provide the conservation commissions in these municipalities with an opportunity to comment on the notice or request.

If a conservation commission has failed to hold a hearing within the 21-day period as required; or if a commission, after holding such a hearing has failed within 21 days therefrom to issue an order; or if no hearing is required and a commission has failed within the 21 day period to issue an order; or if a commission, upon a written request by any person to determine whether this section is applicable to any work, fails within 21 days to make said determination; or where an order does issue from said commission, the applicant, any person aggrieved by said commission's order or failure to act, or any owner of land abutting the land upon which the proposed work is to be done, or any 10 residents of the city or town in which said land is located, may, by certified mail or electronic filing, as specified in regulations, and within 10 days from said commission's order or failure to act, request the department of environmental protection to determine whether the area on which the proposed work is to be done is significant to: (i) public or private water supply; (ii) the groundwater supply; (iii) flood control; (iv) storm damage prevention; (v) prevention of pollution; (vi) protection of land containing shellfish; (vii) the protection of wildlife habitat; (viii) the protection of fisheries; (ix) resilience for changing climate conditions; or (x) the protection of the riverfront area consistent with the following purposes, to: (A) protect the private or public water supply; (B) protect the ground water; (C) provide flood control; (D) prevent storm damage; (E) prevent pollution; (F) protect land

containing shellfish; (G) protect wildlife habitat; (H) protect the fisheries; or (I) resilience for changing climate conditions. The commissioner of environmental protection or a designee may request such a determination within said 10 days. The party making any such request shall at the same time send a copy thereof by certified mail to the conservation commission, select board, board of selectmen or mayor that conducted the hearing hereunder. If the party making the request is not the applicant, a copy of such request shall also be sent, at the same time and by certified mail, to the applicant. Upon receipt of such request the department shall make the determination requested and shall, by written order, issued within 70 days of receipt of such request, and signed by the commissioner or their designee, impose such conditions as will contribute to the protection of the interests described herein; provided, however, that said department shall notify the applicant within 30 days of the receipt of such request if the application or request is not in proper form or is lacking information or documentation necessary to make the determination. Such order shall supersede the prior order of the conservation commission, select board, board of selectmen or mayor, and all work shall be done in accordance therewith, but in no event shall any work commence until 10 days have elapsed following the issuance of said order. In the case of riverfront areas, no order issued by a conservation commission, select board, board of selectmen, mayor or the department shall permit any work unless the applicant, in addition to meeting the otherwise applicable requirements of this section, has proved by a preponderance of the evidence that: (i) such work, including proposed mitigation measures, has no significant adverse impact on the riverfront area for the following purposes, to: (A) protect the private or public water supply; (B) protect the ground water; (C) provide flood control; (D) prevent storm damage; (E) prevent pollution; (F) protect land containing shellfish; (G) protect wildlife habitat; (H) protect the fisheries; and (I) resilience for changing climate

conditions; and (ii) there is no practicable and substantially equivalent economic alternative to the proposed project with less adverse effects on such purposes. An alternative is practicable and substantially economically equivalent if it is available and capable of being done after considering: (i) costs, and whether such costs are reasonable or prohibitive to the owner; (ii) existing technology; (iii) the proposed use; and (iv) logistics in light of the overall project purposes. For activities associated with access for 1 dwelling unit, the area under consideration for practicable alternatives shall be limited to the lot; provided, that said lot shall be on file with the registry of deeds as of August 1, 1996. For other activities including, but not limited to, the creation of a real estate subdivision, the area under consideration shall be the subdivided lots, any parcel out of which the lots were created and any other parcels that are adjacent to such parcel or adjacent through other parcels formerly or presently owned by the same owner at any time on or after August 1, 1996 or any land which can reasonably be obtained; provided, that an ownership interest can reasonably be obtained after taking into consideration: (i) cost, and whether such cost is reasonable or prohibitive to the owner; (ii) existing technology; (iii) the proposed use; and (iv) logistics in light of the overall project purposes. At any time prior to a final order of determination by the department, any party requesting a determination may, in writing, withdraw the request, and such withdrawal shall be effective upon receipt by the department. Notwithstanding the withdrawal, the commissioner or their designee may continue the determination if they notify all parties within 10 days of receipt of the withdrawal. A copy of such order shall be sent to the applicant, to the conservation commission, select board, board of selectmen or mayor which conducted the hearing hereunder. As used in this section, the term “wildlife habitat” shall mean those areas subject to this section which, due to their plant community composition and structure, hydrologic regime or other characteristics, provide

important food, shelter, migratory or overwintering areas, or breeding areas for wildlife. The department may provide, by regulation, that specified provisions of this paragraph shall not apply to notices of intent or requests for determination for certain types of proposed work, including, but not limited to, certain nature-based solutions projects, as defined in section 62E of chapter 30, ecological restoration, or wetlands resilience projects, or for work in the buffer zone as defined by the department by regulation, or for priority housing projects, as defined in section 62E of chapter 30, consistent with commonwealth land use planning and housing strategies and plans, climate resilient design guidelines and environmental priorities. The department may also provide by regulation that such notices of intent or requests for determination may not be the subject of a request for a superseding order of conditions or applicability or a request for an adjudicatory hearing in accordance with the provisions of chapter 30A; and that any person aggrieved by the issuance or failure to issue a decision on such notice of intent or request for determination may obtain judicial review by filing an application for review in the superior court within 21 days after receipt of an order of conditions or a determination from the conservation commission, or within 21 days of the conservation commission's failure to act. Notwithstanding the provisions of the previous sentence, the department may, in its regulations regarding such notices of intent or requests for determination, provide that within 10 days of the conservation commission's action or failure to act, the department may notify the applicant and the commission that it will be issuing a superseding order of conditions or determination, which it shall issue within 70 days of making such notification. Such superseding order or determination may be the subject of a request for adjudicatory hearing in accordance with the provisions of chapter 30A.

SECTION 56. Section 34 of chapter 132 of the General Laws is hereby repealed.

SECTION 57. Section 7 of chapter 132A of the General Laws is hereby repealed.

SECTION 58. Section 7A of said chapter 132A, as appearing in the 2024 Official Edition, is hereby amended by striking out, in lines 1 and 2, the words “environmental management, division of forest and parks,” and inserting in place thereof the following words:- conservation and recreation.

SECTION 59. Said section 7A of said chapter 132A, as so appearing, is hereby further amended by striking out the second to fifth paragraphs, inclusive.

SECTION 60. Said section 7A of said chapter 132A, as so appearing, is hereby further amended by adding the following paragraph:-

The chief park ranger and park rangers appointed and employed by the department may assist the bureau of fire control in both suppression and detection of fires.

SECTION 61. Section 93 of chapter 143 of the General Laws, as so appearing, is hereby amended by striking out, in line 6, the figure “15” and inserting in place thereof the following figure:- 17.

SECTION 62. Said section 93 of said chapter 143, as so appearing, is hereby further amended by striking out, in line 10, the figure “12” and inserting in place thereof the following figure:- 14.

SECTION 63. Said section 93 of said chapter 143, as so appearing, is hereby further amended by striking out, in line 21, the words “advanced building technology” and inserting in place thereof the following words:- climate risk, 1 of whom shall be an expert in climate resilient design, 1 of whom shall be an expert in the development of housing.

SECTION 64. Section 95 of said chapter 143, as so appearing, is hereby amended by adding the following subsection:-

(d) Ensuring building regulations and requirements address climate impacts for the purposes of reducing exposure and damage to structures and protecting the health, safety and security of the occupants or users of buildings.

SECTION 65. Section 168 of chapter 175 of the General Laws, as so appearing, is hereby amended by inserting after the word “commonwealth”, in line 146, the following words:- ; provided, however, that annually, not later than December 1, at the discretion of the secretary of administration and finance, the comptroller shall transfer to the Resilience Revolving Fund pursuant to section 2 of chapter 29E an amount up to the difference between the amount of such fees collected in the prior fiscal year and the amount of such fees collected in fiscal year 2027.

SECTION 66. Chapter 183 of the General Laws is hereby amended by adding the following section:-

Section 70. (a) For the purposes of this section, the term “residential real property” shall, unless the context clearly requires otherwise, mean real property zoned residential or multifamily residential with 4 or fewer dwelling units and used or occupied, or intended to be used or occupied, wholly or partly, as the home or residence of 1 or more persons, condominium units or cooperative apartments; provided, however, that “residential real property” shall not include unimproved real property upon which such dwellings are to be constructed.

(b) The secretary of energy and environmental affairs, in consultation with the secretary of housing and livable communities, shall issue standard notification forms and other materials to inform each prospective purchaser and tenant about the flood risks of residential real property.

The forms and materials may include, but shall not be limited to: (i) information on whether the residential real property is located in a floodplain; (ii) documentation of historical flooding and past damages on the property, including, but not limited to, claims filed and grants or disaster assistance received for flood damage or flood mitigation; and (iii) details about any flood insurance or elevation certificates for the property.

(c) Licensed real estate brokers with an online marketing platform shall include information on their online marketing platform about the flood risks, if any, associated with each listed residential real property. The information shall include, but shall not be limited to, whether the property is located in a floodplain and other information available to disclose to prospective purchasers and tenants regarding potential flood risks.

(d) A person selling residential real property shall, prior to the signing of a purchase and sale agreement, provide to the prospective purchaser a completed copy of the applicable notification form and other materials prepared pursuant to subsection (b). Any person leasing residential real property with an option to purchase such property shall, prior to the signing of the lease with an option to purchase, provide to the lessee-prospective purchaser a completed copy of the applicable notification form and other materials prepared pursuant to subsection (b).

(e)(1) All persons leasing or renting residential real property shall, prior to entering into an agreement to lease or rent such property, notify prospective tenants about the hazards of flood risk as provided herein.

(2) A residential lease shall contain the following notice to tenants: “Flood insurance is generally available to renters through the Federal Emergency Management Agency’s (FEMA’s) National Flood Insurance Program (NFIP) to cover your personal property and contents in the

event of a flood. A standard renter's insurance policy does not typically cover flood damage. You are encouraged to examine your policy to determine whether you are covered.".

(3) Prior to entering into a tenancy agreement, the owner of residential real property or such other person to whom rent is to be regularly paid, shall provide a prospective tenant with: (i) a completed copy of the applicable notification form and other materials prepared pursuant to subsection (b); and (ii) 2 copies of a statement certifying that the prospective tenant received all of the above materials, a copy of which shall be retained by both the tenant and the owner; provided, that such certification may be included as a provision in a written tenancy agreement.

(f) An owner who fails to comply with this section, including, but not limited to, providing knowingly false or incomplete disclosures, shall be liable for damages caused by the failure to comply. A violation of this section by a person engaged in trade or commerce shall be an unfair and deceptive act or practice pursuant to section 2 of chapter 93A.

SECTION 67. Section 32 of chapter 184 of the General Laws, as appearing in the 2024 Official Edition, is hereby amended by striking out, in lines 23 and 24, 33 and 34 and 80, the words "metropolitan district commission" and inserting in place thereof the following words:- department of conservation and recreation.

SECTION 68. Said section 32 of said chapter 184, as so appearing, is hereby further amended by adding the following paragraph:-

The secretary of energy and environmental affairs, the commissioner of the department of conservation and recreation, the commissioner of food and agriculture and the secretary of housing and livable communities may each, when unavailable to approve or certify a restriction,

authorize in writing a designee to approve restrictions on that official's behalf; a restriction approved and certified by such designee shall have the benefit of this section.

SECTION 69. Section 7 of chapter 330 of the acts of 1983 is hereby repealed.

SECTION 70. The first paragraph of section 177 of chapter 25 of the acts of 2009 is hereby amended by inserting after the word "Boston", the third time it appears, the following words:- , Charles River Dam road in the cities of Boston and Cambridge, a segment of route 16 and Revere Beach parkway, including Wellington circle, from its intersection with interstate 93 and route 38 in the city of Medford to its intersection with route 145 and route 1A in the city of Revere, the Fellsway from Wellington circle to its intersection with interstate 93 in the cities of Medford and Somerville, Mystic avenue in the city of Somerville, Medford Veteran's Memorial Highway in the cities of Medford and Somerville and the Lynnway in the city of Lynn.

SECTION 71. (a) There shall be a special commission on flood risk mitigation and resilience in the Connecticut river valley. The commission shall consist of the following 21 members: the secretary of energy and environmental affairs or their designee, who shall be chair; the director of the Massachusetts emergency management agency or their designee; the executive director of the Franklin regional council of governments or their designee; the executive director of the Pioneer Valley planning commission or their designee; the chairs of the joint committee on environment and natural resources; and 15 members appointed by the governor, 6 of whom shall be representatives of municipalities within the Connecticut river watershed, 2 of whom shall be representatives of regional water and sewer utilities, 1 of whom shall be a representative of a watershed organization, 1 of whom shall be a representative of the agriculture sector, 1 of whom shall be a representative from an environmental justice organization, 1 of whom shall be a

representative from a land trust, 1 of whom shall be a representative from a labor organization and 2 of whom shall be representatives of regional higher education institutions.

(b) The commission shall prepare a plan that identifies and prioritizes regional resilience projects that reduce flood risk in the Connecticut river valley through 2050. Said plan shall include, but shall not be limited to: (i) a summary of applicable municipal vulnerability preparedness plans; (ii) identification of structural and non-structural regional resilience projects that would reduce flood risk to critical infrastructure, vulnerable populations, the economy and natural resources; (iii) an implementation plan, including, but not limited to, project costs, timelines and responsible entities; (iv) recommendations for local planning and policy actions to align with regional and state goals; and (v) a strategy for engaging disadvantaged and priority populations.

(c) The commission shall consult with the department of conservation and recreation, the department of agricultural resources, the department of environmental protection and the Massachusetts Department of Transportation.

(d) Not later than January 1, 2028, the commission shall file its plan with the clerks of the house of representatives and the senate, the house and senate committees on ways and means and the joint committee on environment and natural resources.

SECTION 72. (a) Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the General Laws, section 35 of chapter 92 of the General Laws or any other general or special law to the contrary, the commissioner of capital asset management and maintenance may, in consultation with the commissioner of conservation and recreation, transfer Ravine road between West Wyoming avenue to the town line of the city of Melrose to the city of Melrose for the

purpose of a public way; provided, that the exact boundaries of the parcel to be conveyed shall be determined by the commissioner of capital asset management and maintenance.

(b) The consideration for the conveyances authorized by this section shall be nominal.

(c) The city of Melrose of any real property disposed of pursuant to this section shall be responsible for all costs related to the conveyance, which shall include, but shall not be limited to, appraisals, surveys, plans, recordings and any other expenses, as deemed necessary by the commissioner.

SECTION 73. Notwithstanding any general or special law to the contrary, not later than June 30 in fiscal years 2027 and 2028, the Massachusetts water resources authority shall annually make a payment of $50,000 to each of the following towns located within the watershed of the Quabbin reservoir: Belchertown, Hardwick, Ludlow, New Salem, Orange, Pelham, Petersham, Phillipston, Shutesbury, Ware and Wendell to support the role of these communities in hosting the Quabbin reservoir.

SECTION 74. Notwithstanding section 30 of chapter 29 of the General Laws, section 65 of chapter 30 of the General Laws, or any other general or special law to the contrary, a portion of the funds authorized in this act may be used for the costs associated with the purchase of title insurance and services for title examinations, reports and certifications; provided, however, that any executive department or state agency expending such funds shall maximize efforts and utilize all available means to minimize use of capital funds for such purpose.

SECTION 75. Each agency acquiring land or an interest in land under this act may expend an amount not to exceed 5 per cent of the amount appropriated to that agency for the purpose of reimbursing nonprofit land conservation organizations or land trusts for reasonable

expenses directly associated with the acquisition of land or interests in land subsequently conveyed to the commonwealth. Reimbursements shall be made at the discretion of the agency. The secretary of energy and environmental affairs shall determine, by regulation promulgated pursuant to chapter 30A of the General Laws, what shall constitute a reasonable expense. If the commonwealth does not take title to the property through no fault of the nonprofit organization or the commonwealth, the commonwealth may reimburse the nonprofit organization for reasonable expenses associated with due diligence. An organization receiving a reimbursement under this section shall convey the land or interest in land to the agency for an amount not to exceed the actual purchase price paid by the organization for the land or interest in land in addition to any reimbursement received under this section.

SECTION 76. (a) There shall be established a special commission to study and report on how to enable resilient urban coasts in the commonwealth.

(b) The commission shall examine existing statutory and regulatory requirements that slow or prohibit the permitting and construction of climate resilient projects on public and private urban coastal properties in the commonwealth, including, but not limited to, neighborhoods impacted by flood pathways. The commission shall consider cost and time constraints associated with securing the required permits to protect coastal communities, properties and infrastructure from flooding and sea level rise. The commission shall review and reconcile the need to protect coastal communities, properties and infrastructure from flooding and sea level rise in the context of: (i) economic viability; (ii) human health; (iii) the protection of infrastructure, homes, businesses, designated port areas, coastal wetlands and marine ecosystems; and (iv) the costs and benefits associated with any proposed changes to streamline permitting, including municipal harbor plans. The commission shall create proposals to expedite

and streamline permitting for coastal resilience projects in districts that span across public and private properties.

(c) The commission shall consist of the following 15 members: the secretary of economic development or their designee, who shall serve as co-chair, and the secretary of energy and environmental affairs or their designee, who shall serve as co-chair; the commissioner of environmental protection or their designee; the chief executive officer of the Massachusetts Port Authority or their designee; the director of the Seaport Economic Council or their designee; the director of the Commercial Real Estate Development Association or their designee; the director of Boston Harbor Now, Inc. or their designee; the director of the Trustees of Reservations or their designee; the director of the Massachusetts Marine Trades Association or their designee; the director of A Better City, Inc. or their designee; and 5 members who shall be appointed by the governor, 2 of whom shall be coastal developers, 1 of whom shall be a watershed organization and 2 of whom shall be advocates who represent environmental justice communities. The commission shall be authorized to invite experts from local, state and federal agencies, including, but not limited to, the United States Army Corps of Engineers and representatives of the private sector to advise on specific topics identified by the commission.

(d) Not later than June 9, 2027, the commission shall submit a report of its findings, together with recommendations for any legislation, to the governor, the clerks of the house of representatives and the senate, the chairs of the joint committee on economic development and emerging technologies, the chairs of the joint committee on environment and natural resources and the chairs of the house and senate committees on ways and means concerning: (i) statewide permitting reforms to enable climate resilience projects on urban coastal properties, including, but not limited to, district scale projects that create continuous lines of protection and regional

projects that cross municipal boundaries; and (ii) the adoption and alignment of state and local permitting processes necessary to enable climate resilience projects on urban coastal properties, including, but not limited to, statutory and regulatory provisions to promote and allow district scale projects that create continuous lines of defense and regional projects that cross municipal boundaries.

SECTION 77. Notwithstanding any general or special law to the contrary, the unexpended and unencumbered balances of the bond-funded authorizations in the following accounts shall cease to be available for expenditure 180 days after the effective date of this act: 2500-7024, 2850-9951, 2840-8963, 2850-6967, 2820-1420, 2840-7993, 2800-2012, 2800-2013, 2800-2014, 2800-2019, 2820-2011, 2820-2012, 2840-2013, 2840-2014, 2840-2018, 2840-2019, 2840-2023, 2890-2023, 2890-2040, 2800-7013, 2800-7018, 2800-7016, 2800-7011, 2800-7012, 2800-7015, 2800-7017, 2800-7019, 2800-7022, 2800-7097, 2800-7098, 2840-7014, 2840-7017, 2890-7010, 2890-7011, 2810-7872, 2810-8802, 2800-7035, 2800-7031, 2800-7108, 2840-7026, 2840-7027, 6720-1336, 2840-7024, 2890-7035, 2800-7020, 9300-3909, 9300-7909, 9300-7010, 2000-6966, 2000-6967, 2000-6969, 2000-2010, 2000-2011, 2000-2012, 2000-2014, 2000-2015, 2000-2016, 2000-2018, 2000-2019, 2000-2020, 2000-2021, 2000-2022, 2000-2023, 2000-2024, 2000-2025, 2000-2026, 2000-2017, 2000-2035, 2000-2028, 2000-2029, 2000-7013, 2000-7014, 2000-7015, 2000-7016, 2000-7018, 2000-7023, 2000-7024, 2000-7025, 2000-7052, 2000-7054, 2000-7057, 2000-7056, 2000-7051, 2000-7029, 2000-7053, 2000-7070, 2000-7028, 2000-7031, 2000-7055, 2000-7059, 2000-7062, 2000-7063, 2000-7135, 2000-7081, 2240-8820, 2250-8820, 2250-8822, 2200-7991, 2200-2011, 2200-2012, 2200-2013, 2200-2014, 2200-2015, 2200-2016, 2200-2017, 2200-2018, 2200-2019, 2200-7011, 2200-7013, 2200-7017, 2200-7018, 2200-7020,

2200-7025, 2300-2010, 2300-2011, 2300-2012, 2300-2014, 2300-2016, 2300-2017, 2300-7018, 2300-7010, 2300-7011, 2300-7015, 2300-7016, 2300-7020, 2300-7021, 2300-7025

SECTION 78. Notwithstanding any general or special law to the contrary, to meet the expenditures necessary in carrying out sections 2 to 2D, inclusive, the state treasurer shall, upon receipt of a request by the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor from time to time but not exceeding, in the aggregate, $2,543,457,500. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face “An Act to Build Resilience for Massachusetts Communities” and shall be issued for a maximum term of years, not exceeding 20 years, as the governor may recommend to the general court pursuant to section 3 of Article LXII of the Amendments to the Constitution; provided, however, that all such bonds shall be payable not later than June 30, 2052. All interest and payments on account of principal on such obligations shall be payable from the General Fund. Bonds and interest thereon issued under the authority of this section shall, notwithstanding any other provision of this act, be general obligations of the commonwealth.

SECTION 79. Notwithstanding any general or special law to the contrary, to meet the expenditures necessary in carrying out section 2E, the state treasurer shall, upon receipt of a request by the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor from time to time but not exceeding, in the aggregate, $385,000,000. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face “An Act to Build Resilience for Massachusetts Communities” and shall be issued for a maximum term of years, not exceeding 20 years, as the governor may recommend to the general court pursuant to section 3 of Article LXII of the Amendments to the Constitution; provided, however, that all such bonds shall be payable not later than June 30, 2052. All interest and payments on account of principal

on such obligations shall be payable from the General Fund. Bonds and interest thereon issued under the authority of this section shall, notwithstanding any other provision of this act, be general obligations of the commonwealth.

SECTION 80. Notwithstanding any general or special law to the contrary, to meet the expenditures necessary in carrying out sections 2F to 2G, inclusive, the state treasurer shall, upon receipt of a request by the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor from time to time but not exceeding, in the aggregate, $150,000,000. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face “An Act to Build Resilience for Massachusetts Communities” and shall be issued for a maximum term of years, not exceeding 30 years, as the governor may recommend to the general court pursuant to section 3 of Article LXII of the Amendments to the Constitution; provided, however, that all such bonds shall be payable not later than June 30, 2062. All interest and payments on account of principal on such obligations shall be payable from the General Fund. Bonds and interest thereon issued under the authority of this section shall, notwithstanding any other provision of this act, be general obligations of the commonwealth.

SECTION 81. Not later than January 1, 2027, the secretary of energy and environmental affairs, in consultation with the secretary of housing and livable communities and the commissioner of environmental protection, for the purposes of sections 15, 33 and 55, shall issue guidelines and identify housing types that are considered priority housing projects.

SECTION 82. Not later than January 1, 2027, the secretary of energy and environmental affairs, in consultation with the commissioner of environmental protection, shall issue guidelines necessary pursuant to sections 15, 33 and 55 for nature-based solutions projects.

SECTION 83. Not later than December 1, 2026, the department shall convene the air quality advisory committee, established in section 11.

SECTION 84. Not later than June 30, 2027, the first report required pursuant to subsection (d) of section 18B of chapter 21A, inserted by section 11, shall be submitted.

SECTION 85. (a) Not later than January 1, 2027, the secretary of energy and environmental affairs shall establish standards and guidelines pursuant to section 36.

(b) Not later than January 1, 2027, the department of environmental protection and executive office of energy and environmental affairs shall propose regulations pursuant to section 36.

SECTION 86. Section 4 shall take effect on July 1, 2028.

SECTION 87. Sections 8, 16 through 22, inclusive, 38 through 40, inclusive, 44, 49, 56 through 60, inclusive, and 66 shall take effect 90 days after the effective date of this act.

SECTION 88. Sections 14 and 65 shall take effect on July 1, 2026.

SECTION 89. Section 37 shall take effect 10 years after the effective date of this act.