

Environmental Bond Bill: S.2542, An Act to build resilience for Massachusetts communities

Governor's Environmental Bond Bill Summary - Mass Ready Act

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On June 24th, Governor Healey announced her long discussed [Environmental Bond Bill, An Act to Build Resilience for Massachusetts Communities, or the Mass Ready Act](#). The bill would authorize \$2.9 billion in funding, a 20.8% increase over the previous environmental bond bill that was signed into law in 2018. The bill includes potential investments in a number of new and existing programs as well as outside sections that touch on a wide range of policies. However, because this is a bond bill, funding will need to be allocated by the Administration via future capital plans, which are often released in late June of each year. Those plans create a road map for allocated funding for projects and programs over the next five years.

What comes next: The bill was sent to the Joint Committee on Environment and Natural Resources where it will have a hearing on July 15th. After that, it will likely go to the Joint Committee on Bonding, Capital Expenditures and State Assets, before it heads to the House and Senate for debate. After both bodies pass their version of a bill, a conference committee will work to draft a compromise version of the bill that both the House and Senate will need to pass again before the Governor can sign the final bill into law. Additionally, because this is a money bill, the Governor can make line item vetoes to the bill. If the Legislature chooses, they can vote to override any of the Governor's vetoes with support of 2/3rds of each chamber's members.

Key MAPC Line Items

line item		2018 Environmental Bond Bill	MAPC's Request	Governor's Proposal
2000-7088	Municipal Vulnerability Program. Nonprofits can now receive funding.	\$70 million	\$500 million	\$315 million
2000-7087	Capitalizes the Transfer of Development Rights Program	\$30.4 million	Increase over 2018	\$25 million
2200-7029	Funding to Improve Water Infrastructure and Address PFAS	\$0	\$60 million	\$120 million
0640-1008	Funding for the Drinking Water Revolving Fund	\$60.3 million	Increase over 2018	\$385 million

Key MAPC Policy Provisions

Resilience Revolving Fund (Section 10): Creates a new non-budgetary fund administered by the Mass Clean Water Trust, to provide loans to municipalities and public water and wastewater districts for climate resiliency infrastructure projects. It also allows the fund's advisory board to issue bonds.

Residential Flood Disclosure (Section 61): This section would require EEA and EOHLIC to develop a flood disclosure form to inform prospective purchasers and tenants about the flood risks of residential real property. The form may include documentation of historical flooding and past damage to the property, whether the property is in a flood plain, and details about flood insurance. It would also ensure that residential leases include information about the National Flood Insurance Program and explicitly state that rental insurance does not typically cover flood damage.

Other Notable Funding

Line Item	Program	Amount in Millions	Office Overseeing Funding
2000-7086	Dam removal, hazard mitigation for inland flooding and other projects like seawalls, jetties and nature-base solutions,	\$93.5	Executive Office
2000-7083	Coastal infrastructure design, construction, acquisition, reconstruction, rehabilitation, retrofitting, repair or removal	\$200	Executive Office
2000-7068	Tree planting on public and private lands	\$10	Executive Office
2000-7082	Grants for natural resource conservation and open space preservation and parks, MassTrails grants.	\$120	Executive Office
2000-7087	For land acquisition with \$25m set aside to capitalize the Transfer of Development Rights Revolving Fund	\$85	Executive Office
2511-0124	Food Security Grant Program	\$125	MDAR
2200-7026	Hazardous Material Clean Up	\$42	DEP
2200-7027	Capital investments in air, water, and land resource protection, climate adaptation and decarbonization	\$27.8	DEP
2200-7028	Solid waste facility closure, monitoring and clean up	\$28.1	DEP
2840-7028	Planning, construction, repair, and/or removal of DCR Properties	\$587.3	DCR
2890-7036	Planning, construction, repair, and/or removal of DCR Roadways	\$176.6	DCR
2800-7026	Dam removal and Maintenance	\$308	DCR
2800-1123	DCR land acquisition	\$40	DCR
2800-7024	Forestry Funding with preference given to areas with heat islands	\$20	DCR
1100-2524	Grants to municipalities, RPAs and others for capital investments in climate mitigation.	\$50	Treasurer
7004-4785	For the Mass Housing Finance Agency to capitalize a residential production momentum fund	\$50	EOHLC

Outside Sections of Note

Land Preservation

- Section 6 - Directs DCR Stewardship Council and DCR commissioner to consider certain DCR lands for potential designation and long-term passive management as a forest reserve as long as it helps contribute the state's climate mitigation strategy, enhances climate resiliency, or provides opportunities for compatible outdoor recreations opportunities, among other requirements.
- Section 16: Gives DCR the right of first refusal to purchase certain forest land that will potentially be converted to residential, industrial or commercial use.
- Section 17: Gives MDAR the right of first refusal to purchase certain agricultural land that will potentially be converted to residential, industrial or commercial use.

- Section 20: Gives DCR the right of first refusal to purchase certain recreational land that will potentially be converted to residential, industrial or commercial use.
- Section 47: Allows the Director of the Division of Fisheries and Wildlife to set aside areas under their control as a forest reserve, for the purposes of carbon sequestration, resiliency, outdoor recreation, and/or research purposes.
- Section 66: Allows DCR to lease certain properties, if it ensures adequate preservation and maintenance.
- Section 72: Allows each agency acquiring land or an interest in land under this legislation to pay 5% of the amount appropriated to the agency to land trusts and land conservation organizations for expenses associated with acquisition of their land.

Zoning & Permitting

- Section 12 - Allows the EEA secretary to exempt certain housing projects from requiring environmental impact reports, if they are not expected to cause damage to the environment and they are consistent with land use planning and housing strategies and plans, climate resilient design guidelines and environmental priorities and nature-based solutions projects.
- Section 21 - 28, 32: Delegates certain abilities to gubernatorial designees to expedite decisions around certain waterways leases and other decision making.
- Section 31: Introduces a new Chapter 91 Waterways general license permit system that aims to streamline the approval process for projects that previously required individual waterways licenses. The general license permit system would apply to housing, marsh restoration, culvert replacements, and invasive vegetation removal in tidelands, ponds, rivers, and streams, among others.
- Section 51: Makes changes to the language governing removal, fill, dredging or altering of land bordering waters. It allows the Department of Environmental Protection to provide a general permit for nature-based solutions projects, ecological restoration, wetlands resilience projects, or priority housing projects.
- Section 57-59: Adds two additional seats to the State Board of Building Regulations and Standards (BBRS) to be appointed by the Governor with expertise in climate risk, climate resiliency and housing development. One of these three seats will replace the seat currently held by an advanced building technology expert.
- Sections 60: Adds “ensuring building regulations and requirements address climate impacts for the purposes of reducing exposure and damages to structures and protecting the health, safety and security of the occupants or users of buildings” to the objectives of the BBRS.
- Section 73: Requires EEA and EOHLC to develop guidelines to identify priority housing types as described in sections 12, 31, and 51. It also allows EEA to issue guidelines for the identification of projects that are classified as nature-based solutions.

Recreation Policy: Rulemaking, Use, and Enforcement

- Section 33: Amends the definition of great ponds asserting that the State owns the waters and land below the low water line of a great pond in perpetuity. It also allows the general public to travel between high and low water lines without being charged with trespassing.
- Section 34: Strikes language that allows the DCR Commissioner to issue licenses and permits for recreational and other uses for reservations and recreational areas for water supplies. It also strikes the 10-year limit on licenses for use.
- Section 35: Strikes the need to post reservation rules in newspapers and at park locations. It also removes language that authorizes park rangers to issue citations around a number of regulations.

Water Infrastructure

- Section 37: Allows DCR to grant sewer and sewer authority access to municipalities, sewer and water authorities rights to build sewer and drains in their rights of way.
- Section 38: Allows municipalities to levy taxes to build water infrastructure across or through DCR reservoirs and roads.
- Section 74: Allows EEA to establish standards and guidance for the design of resilient culverts to expedite the permitting of new municipal or replacement of existing municipal culverts.

Commissions

- Section 67: Creates a special commission on commonwealth port development to recommend an integrated statewide strategic vision for Massachusetts ports. A report will be filed 18 months after the bill is signed into law.
- Section 68: Creates a commission on flood risk mitigation and resilience in the Connecticut River Valley. The commission will prepare a plan that identifies and prioritizes regional resilience projects that reduce flood risk in the Connecticut River Valley through 2050. The report will be due 18 months after the bill is signed.

Land Transfers

- Section 65: Transfers certain roads from DCR to MassDOT control.
- Section 69: Allows DCAM and DCR to transfer Ravine Road in Stoneham, West Wyoming Ave in Melrose, and Everett Street in Boston to their respective municipalities.

Other

- Section 39: Allows DEP staff to enter any solid waste disposal facilities without a warrant to investigate, sample or inspect 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.

- Section 64: Removes language that provides DOR with 10% of the Natural Heritage and Endangered Species Fund that comes to that fund via donated tax return.
- Section 70: Requires MWRA to pay Belchertown, Hardwick, Ludlow, New Salem, Orange, Pelham, Petersham, Phillipston, Shutesbury, Ware and Wendell \$50,000 in FY27 and FY28 for hosting the Quabbin Reservoir.

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