

# HOUSE . . . . . No. 4446

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## The Commonwealth of Massachusetts

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DEVAL L. PATRICK  
GOVERNOR

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EXECUTIVE DEPARTMENT  
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December 21, 2007.

To the Honorable Senate and House of Representatives:

I am filing for your consideration a bill entitled "The Land, Parks, and Clean Energy Act of 2008". This legislation authorizes the Commonwealth to issue \$1.4 billion in general obligation bonds to fund the Commonwealth's energy and environmental capital needs over the next five years. Of this \$1.4 billion authorization, \$355 million is dedicated to land protection and acquisition and \$738.5 million to enhance state parks and rebuild OCR-owned infrastructure. This legislation also includes authorization for new programs to address climate change, comprehensive wildlife protection, and other emerging environmental challenges.

The quality of our environment has a significant impact on our own health and on the quality of our lives. For ourselves and future generations, we have a responsibility to provide well-maintained and accessible parks and recreational facilities, and to preserve our valuable open spaces, farms and natural habitats. This includes doing our part to transition to a clean energy economy. State capital investments are necessary for maintaining a high standard for environmental protection and quality. Capital funds pay for important environmental protection projects, including land conservation, pollution remediation, dam rehabilitation, flood control, and water quality.

The \$1.4 billion capital investment funding authorization sought by the Patrick-Murray Administration in this bond bill is fiscally responsible. The amount of the bond bill is based on the Administration's five-year capital investment plan and related debt affordability analysis published in August. The

authorization sought covers the estimated five-year spending amount and provides a reasonable level of flexibility to fund additional spending for environmental assets in the event that the Administration determines that the financial capacity exists to increase the state's investment in our environment over the five-year period covered by the bond bill.

In light of the urgent need to begin to reverse decades of underinvestment in our environmental assets, I respectfully request that you take prompt action to enact this bill.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Deval Patrick", written over a faint, illegible background.

DEVAL L. PATRICK,  
*Governor.*

# The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

AN ACT PROVIDING FOR THE PRESERVATION AND IMPROVEMENT OF LAND,  
PARKS, AND CLEAN ENERGY IN THE COMMONWEALTH.

*Whereas*, The deferred operation of this act would tend to defeat its purpose,  
which is to provide for preservation and improvement of the environmental  
assets of the commonwealth, therefore it is hereby declared to be an emergency  
law, necessary for the immediate preservation of the public convenience

*Be it enacted by the Senate and House of Representatives in General Court  
assembled, and by the authority of the same, as follows:*

SECTION 1. To provide for a capital outlay program of improvement and  
preservation of the environmental assets of the commonwealth, the sums set  
forth in section 2, for the several purposes and subject to the conditions specified  
in this act, are hereby made available, subject to the law regulating the  
disbursement of public funds, which sums are in addition to amounts previously  
appropriated for such purposes.

SECTION 2.

## EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE *Office of the Secretary*

|           |   |              |
|-----------|---|--------------|
| 0620-1000 | For the water pollution abatement trust established by section 2 of chapter 29C of the General Laws for deposit in the Water Pollution Abatement Revolving Fund established by 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 federal Clean Water Act ..... | \$50,000,000 |
| 0620-2000 | For the water pollution abatement trust established by section 2 of chapter 29C of the General Laws for deposit in the Drinking Water Revolving Fund established by section 2QQ of chapter 29 of the General Laws 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 federal Safe Drinking Water Act..... \$25,000,000

1100-2500 For improvements to coastal facilities in designated and non-designated port areas, including those defined under chapter 21F of the General Laws and 301 CMR 25; provided, that improvements may include, but shall not be limited to, construction, reconstruction, rehabilitation, expanding, replacing, and improving public facilities, piers, wharves, boardwalks, berths, bulkheads, and other harbor and waterfront facilities.. \$60,000,000

*Division of Capital Asset Management and Maintenance*

1102-5000 For the modernization of the Senator William X. Wall experimental station in the city of Lawrence including, but not limited to, the repair and rehabilitation of the building and grounds ..... \$8,000,000

1102-6000 For planning, studies, preparation of plans, if necessary, renovations, building improvements and the installation of technologies, equipment and materials to reduce energy and water consumption at either existing or new state facilities and to increase the amount of installed renewable energy that result in actual energy and water savings above the minimum standards established by Executive Order No. 484 and the “Massachusetts LEED Plus” standard, described in Administration and Finance Bulletin 12; provided, that the division shall consult with the executive office of energy and environmental affairs and the division of energy resources in developing project priorities; provided further, that funding may be used to supplement technical and feasibility analyses, fund incremental costs of equipment or materials, and conduct evaluation analyses of projects to determine their effectiveness and replicability at additional facilities; provided further, that costs payable from this item include, but are not limited to, the costs of engineering and other services essential to these projects

rendered by division of capital asset management and maintenance employees or by consultants; and provided further, that amounts expended for division employees may include the salary and salary-related expenses of these employees to the extent they work on or in support of these projects .....\$30,000,000

**EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS.**

*Office of the Secretary.*

2000-7013 For the local acquisition for natural diversity (LAND) grant program, formerly the self-help program, to provide assistance to cities and towns in the acquisition of conservation land under section 11 of chapter 132A of the General Laws, Article 97 of the Amendments to the Constitution and any regulations adopted by the secretary of energy and environmental affairs to effect this act or section 11; provided, that notwithstanding any general or special law to the contrary, the title to any land acquired with funds authorized in this item which is no longer used under section 11 as open space shall revert to the commonwealth to be managed as open space .....\$36,000,000

2000-7014 For the park acquisition and renovation for communities (PARC) grant program, formerly the urban self-help program, to provide assistance to cities and towns in the acquisition of land, assessment and remediation of brownfield and greyfield sites and demolition on project sites and construction and restoration of parks and recreation areas under Article 97 of the Amendments to the Constitution and any regulations adopted by the secretary of energy and environmental affairs; provided, that notwithstanding any general or special law to the contrary, the title to any land acquired with the funds authorized in this item which is no longer used as open space shall revert to the commonwealth to be managed as open space.....\$55,000,000

2000-7015 For the acquisition, development and construction of parks in urban neighborhoods currently underserved with parks consistent with attainment of

environmental equity, including planning related thereto; completion of urban forestry and tree planting projects, assessment and remediation of brownfield and greyfield sites intended for reuse as parks; drafting of architectural renderings, construction documents, and other technical documents necessary for parks construction; acquisition of land or interests in land for the creation of parks under Article 97 of the Amendments to the Constitution; and construction of parks and all related facilities; provided, that the secretary of energy and environmental affairs may issue grants to public and non-public entities to implement these programs.....\$25,000,000

2000-7016 For the conservation partnership grant program to assist not-for-profit corporations in acquiring interests in lands suitable for purposes of conservation or recreation; provided, that the corporation shall be formed for one of the purposes described in section 4 of chapter 180 of the General Laws and the corporation shall be considered an exempt organization within the meaning of section 501(c)(3) of the Internal Revenue Code; provided further, that grant funds shall be expended to reimburse an eligible corporation for money expended by it in establishing a project approved by the secretary of energy and environmental affairs under this program in an amount that the secretary shall determine to be equitable in consideration of anticipated benefits from the project, but in no event shall the amount of the reimbursement exceed 50 per cent of the cost of the project; provided further, that no reimbursement shall be made under this item to a corporation unless a project application is filed by the corporation with the secretary setting forth the plans and information that the secretary may require and approved by the secretary, nor until the corporation shall have certified, in a manner approved by the secretary, its ability to provide an amount equal to the total cost of the project, nor until the project has been completed, to the satisfaction of the secretary, in accordance with the approved plans; provided further, that all projects must include the grant by the corporation of

an appropriate perpetual conservation restriction, within the meaning of sections 31 and 32 of chapter 184 of the General Laws, to the city or town in which the project is located, to be managed by either its conservation or its recreation commission, or a state agency, or both; provided further, that all projects must provide appropriate public access as determined by the secretary; and provided further, that the secretary may adopt rules and regulations to carry out this item.....\$7,000,000

2000-7018 For the study, protection, preservation, including cultural resources, public access, development, and enhancement activities for the commonwealth's coastal resources within coastal watersheds and offshore oceans, including but not limited to implementation, equipment, and projects related to ocean management and planning, seafloor mapping, climate change adaptation and coastal shoreline and floodplain management, coastal and ocean water quality; provided, that a program of wetlands and other aquatic habitat restoration in the Massachusetts coastal zone and watersheds shall be implemented from this item, with functions including but not limited to infrastructure repair and replacement to achieve restoration benefits, coordination with public and non-public entities, monitoring, research, planning, federal matching grants, assessment, technical assistance, mapping and implementation of improvements to degraded wetland areas; provided further, that grants may be awarded to public and non-public entities for the purposes of this item; provided further, that a program of coastal pollutant remediation grants may be awarded to cities and towns to construct, reconstruct, and otherwise improve boat pump out facilities and storm water drainage facilities along roads, highways, and bridges within the watersheds of the Massachusetts coastal zone; provided further, that a program of coastal non-point source pollution grants may be awarded to public and non-public entities to identify and implement solutions to control or eliminate non-point source pollution in coastal

watersheds; and provided further, that all grants under this item shall be subject to rules and regulations established by the secretary of energy and environmental affairs to govern the application process and disbursement of grant funds under this item.....\$14,000,000

2000-7023 For improvements and replacements to the infrastructure and holdings of the executive office of energy and environmental affairs; provided, that these improvements or replacements may include, but not be limited to, buildings, equipment, vehicles and communication and technology equipment; provided, however, that any expenditures for communication and technology equipment under this item shall be subject to the approval of the chief information officer of the commonwealth .....\$2,000,000

2000-7024 For the restoration of the commonwealth's natural resources held in trust for the benefit of the public by the secretary of energy and environmental affairs as trustee of the resources that have been lost, destroyed, or injured by the discharge of oil or other releases of hazardous materials and substances; provided, that the definition of natural resources shall include land, fish, wildlife, biota, air, drinking water supplies, wetlands, and other resources generally belonging to, managed by, held in trust by, or otherwise controlled by the trustee; provided further, that the secretary, as trustee of the commonwealth's natural resources, shall conduct the necessary injury and damage assessment studies to determine the extent of injury to the resources and the required compensation by responsible parties to restore, replace, or acquire the equivalent of these injured resources; provided further, that the secretary may also allocate funds if necessary for the costs of personnel; provided further, that these activities shall be conducted under section 5 of chapter 21E of the General Laws, sections 23 to 27 of chapter 130 of the General Laws, section 42 of chapter 131 of the General Laws, 42 U.S.C. section 9607 (f), 33 U.S.C.

section 1321, 33 U.S.C. section 2706 or any other relevant and appropriate authority.....\$1,500,000

2000-7025 For integrated energy and environmental projects to provide for appropriate conservation, protection, restoration, management, and best use of air, energy, water and land resources; to provide for the propagation, protection, control and management of fish, other aquatic life, wildlife, and endangered species; to optimize and preserve environmental quality and public health, to encourage environmental equity; to provide for the assessment, prevention and abatement of water, land, air, noise, and other pollution or environmental degradation; to provide for mitigation and adaptation to climate change; to reduce greenhouse gas emissions and other environmental impacts at state agencies, authorities, and public colleges and universities through the Leading by Example Program; to provide geographic information systems and data, including but not limited to conservation and development plans, provided through the office of geographic and environmental information under section 4B of chapter 21A of the General Laws; to collect, store and provide geographic, energy, and environmental and other information; to provide environmental, land use, water budgets and other trends and conditions; to stimulate increased public and private sector investment in clean energy and related enterprises, institutions, and projects in the commonwealth, including providing economic assistance for the development of these enterprises and non-financial assistance for their development, permitting, and construction; and to otherwise provide technical and financial assistance, including the promotion of alternative energy resources and energy efficiency in support of policy initiatives; provided, that the secretary may allocate funds for the purposes of this item; and provided further, that grants may be awarded to public or non-public entities to carry out this item.....\$40,000,000

*Department of Environmental Protection.*

- 2200-7011 For the purposes of water quality monitoring, assessment and protection as required to meet the legislative and regulatory requirements of the Rivers Protection Act, the federal and state Clean Water Acts and the Massachusetts Wetlands Protection Act and to provide for integrated energy and environmental projects to optimize and preserve environmental quality and public health and provide for appropriate protection, restoration, management, and best use of air, energy, water and land resources; provided, that this funding, may include, but not be limited to, studies of water quality, the development of wetlands conservancy and tidelands Geographic Information System (GIS) maps, the implementation of water quality monitoring devices, the collection and analysis of water quality samples, the development of water quality analyses known as Total Maximum Daily Loads (TMDL’s), and projects related to non-point and point sources of water pollution, and the wetlands circuit rider program.....\$13,000,000
- 2200-7012 For operation and maintenance of the department of environmental protection’s statewide air monitoring network, including but not limited to photochemical assessment monitoring stations, small particulate monitoring and air toxins monitoring; and for the upgrade of equipment to comply with federal requirements .....\$4,500,000
- 2200-7013 For the purposes of discovery, assessment, containment, clean-up, and closure of existing or closed solid waste facilities causing or threatening to cause pollution as authorized by section 4 of chapter 21H of the General Laws. In addition, funds authorized in this section shall be used for the purposes of maintaining a composting and recycling program consistent with the statewide Solid Waste Master Plan authorized by section 21 of chapter 16 of the General Laws .....\$11,000,000
- 2200-7014 For information systems development and information technology equipment at the department of environmental protection to upgrade the first-generation “eDEP” on-line

permitting/compliance reporting system to meet current business standards and the best competitive practices for states, to develop and implement on-line file reviews and permit guides, expand internet publishing of environmental reports and information, and improve system availability and response times for the regulated community and the public; provided, however, that any expenditures under this item shall be subject to the approval of the chief information officer of the commonwealth .....\$20,000,000

2200-7015 For the assessment, containment, cleanup, control, removal of or response actions concerning oil or hazardous materials or for any other actions necessary to implement chapter 21E of the General Laws .....\$32,000,000

2200-7017 For grants to cities, towns and districts for the acquisition of lands and waters and easements by those cities, towns and districts to protect and conserve groundwater aquifers and recharge areas, surface water supplies and watershed areas, and surface or underground lands adjacent to those resources, for the protection of water that is determined by the department of environmental protection to be of potential use for water supply purposes; provided, that any grants approved by the department and provided to cities, towns and districts from this item may be for up to 60 per cent of the eligible costs of the projects .....\$22,500,000

*Department of Fish and Game.*

2300-7010 For the planning, study, evaluation, and acquisition of land and interests in land for the purpose of protecting the native flora and fauna communities of the commonwealth, and for associated costs; provided, that the commissioner of the department of fish and game may develop and utilize scientifically-based evaluation criteria to identify and select the most biologically significant areas throughout the commonwealth, including but not limited to specific parcels, and that these lands may be purchased after being selected by this process and approved by the commissioner of the department and the fisheries and

wildlife board; provided further, that funds may be expended on the development and implementation of a stewardship program on lands under the care and control of the department of fish and game and its divisions, either in fee simple or through conservation easement, including but not limited to resource and land use monitoring, baseline documentation report creation, signage, boundary marking and monitoring, stewardship planning, stewardship personnel, stewardship database development, ecological monitoring, and enforcement of conservation restrictions or detection and resolution of encroachments on land owned in fee simple, and repair of damage related to illegal off-road vehicle trespass.....\$68,000,000

2300-7011 For enhancements, improvements and replacements to the infrastructure and holdings of the department of fish and game and its divisions; and for the costs of studies, plans, engineering and other services essential to this activity; and for the planning, design, construction, and repair of existing and new facilities under the care and control of the department of fish and game and its divisions, including but not limited to education centers, district headquarters, hatcheries, office buildings, storage buildings, shooting ranges, and laboratories; provided, that these enhancements, improvements and replacements may include, but not be limited to, buildings and other structures, equipment, vehicles, vessels, information systems, and site clearance, including the demolition of structures, and other holdings including remediation of environmental compliance matters throughout the commonwealth .....\$13,000,000

2300-7013 For the purposes of conserving and recovering rare and endangered plant and animal species listed under the Massachusetts Endangered Species Act and protecting other elements of the state’s threatened natural heritage, through conservation, preparation of endangered species recovery plans, implementation of recovery projects, and the execution of habitat and ecological

restoration and management, as identified by the division of fisheries and wildlife's natural heritage and endangered species program and approved by the director of the division and the commissioner of the department; provided, that the associated costs may include, but not be limited to, species recovery, habitat restoration and management, monitoring services and equipment purchases; and provided further, that this work may be carried out in cooperation with local municipalities, private conservation organizations, private landowners, universities or governmental agencies .....\$6,000,000

2300-7014 For a program of upland habitat management of forestlands, shrublands, and grasslands, to provide habitat for native wildlife species experiencing long-term population declines, to control invasive, exotic species that degrade natural habitats, and to maintain independent, third party certification of sustainable resource management on state wildlife lands through the stewardship council; provided, that activities shall include but not be limited to implementation of habitat management plans as established by the division of fisheries and wildlife and approved by the director of the division and the commissioner of the department; and for a Landowner Incentive Grant Program to restore declining species and their habitats identified in the Comprehensive Wildlife Conservation Strategy on private lands that may include, but not be limited to technical and financial assistance, implementation and monitoring as established by the division of fisheries and wildlife and approved by the director of the division and the commissioner of the department, and for associated costs; provided, that the associated costs may include, but not be limited to, restoration, management, monitoring services, and equipment purchases; provided further, that the projects may be carried out in cooperation with cities, towns, not-for-profit organizations, private landowners, conservation organizations, sportsman's clubs or governmental agencies; and provided further, that grants may be awarded to

public and non-public entities to carry out the purposes of this item .....\$5,000,000

2300-7015 For the river restoration programs in the division of riverways within the department of fish and game; provided, that funds authorized in this item may be utilized for river and river corridor revitalization, restoration and protection of river ecosystems and functions statewide, including dam and barrier removal, instream improvements, flow, water quality, riverine habitat, for protection of high quality riparian habitat to mitigate threats from climate change, and recreational opportunities; provided further, that these costs may include, but not be limited to, equipment to implement these programs; and provided further, that the commissioner or the commissioner’s designee may enter into cooperative agreements with state and federal government agencies and municipalities, may contract for services including but not limited to engineering, and may award grants to public and non-public entities to foster and carry out the purposes of this item .....\$7,500,000

2300-7016 For the planning, engineering, design, construction, construction inspection, acquisition, development, and reconstruction of existing and new coastal and inland access sites, including but not limited to boat launching facilities, fisherman boat access facilities, car-top boat launching facilities, canoe access facilities, sport fishing piers and shore fishing areas, including but not limited to ramps, docks, floats and appurtenant facilities throughout the commonwealth.....\$6,500,000

2300-7017 For the implementation of the Comprehensive Wildlife Conservation Strategy and investigating the impacts of climate change on the biodiversity of Massachusetts, including but not limited to habitat protection and restoration, implementation, and equipment purchases; provided, that implementation may also include, but shall not be limited to, a Coastal Waterbird Conservation Program to restore globally and regionally significant populations of

declining and at-risk species of coastal waterbirds and their habitats, as tracked by the natural heritage & endangered species program and identified in the Comprehensive Wildlife Conservation Strategy, including habitat protection and restoration, bird population protection, restoration, and technical assistance to landowners and other cooperators, and planning, engineering, design, construction, and reconstruction of structures to stabilize critical coastal nesting islands, and for associated costs which may include, but shall not be limited to, equipment purchases; provided further, that this work may be carried out in cooperation with local municipalities, private conservation organizations, private landowners, universities, or governmental agencies; provided further, that implementation may also include, but shall not be limited to, non-marine aquatic habitat protection and restoration, establishing benchmarks for fish community restoration and establishing protection goals for high quality fish communities, the preparation of restoration and habitat protection plans, and the execution of fisheries habitat restoration projects on natural fish communities and for associated costs, including but not limited to research, restoration, management, monitoring, and equipment; provided further, that funds may be expended for this item for the further development of map products by this program to identify and target for protection, restoration and management of natural fisheries communities including but not limited to research, data collection, map production and equipment and management studies; and provided further, that grants may be awarded to public and non-public entities to carry out the purposes of this item.....\$2,500,000

2300-7018 For the purposes of marine fisheries resource habitat identification, classification, protection and restoration, the preparation of technical guidance and fisheries management plans, as approved by the director of the division of marine fisheries and the commissioner of the department, and for associated costs, provided, that these

associated costs may include but not be limited to research, restoration, management, monitoring and equipment; provided further, that these projects may be carried out in cooperation with not-for-profit organizations or other management agencies; provided further, that funds may be expended for the further development of map products and technical guidance by this program to identify and target for protection, restoration and management of marine fisheries resources, including but not limited to research, data collection, equipment, map production, and management studies .....\$2,500,000

*Department of Agricultural Resources.*

2500-7012 For a program to acquire agricultural preservation restrictions under sections 23 to 26, of chapter 20 of the General Laws; provided, that any person or entity that receives funds from this item shall be encouraged to participate in any programs of the department of agricultural resources that may be suggested by the commissioner of the department; provided further, that funds may be used for implementation of a stewardship program on APR lands, including but not limited to, resource and land use monitoring, boundary delineation and monitoring, stewardship planning, ecological monitoring, and enforcement of agricultural preservation restrictions on existing and newly acquired APR properties; as well as the creation of new opportunities that seek to enhance the sustainability and viability of APR properties .....\$67,750,000

2500-7013 For the purpose of developing and implementing programs designed to address agricultural economic and environmental sustainability, research, industry promotion, technology transfer, education and to facilitate improvements to agricultural infrastructure, energy conservation and efficiency, as well as renewable energy projects, including the development and implementation of farm viability plans and other technical and engineering assistance to enhance the economic and environmental viability of farms, to provide for shorter term land covenants, and for undertaking of

markets for agricultural products to assist in agricultural business enhancement and transition, the creation of a program including grants to public and non-public entities for the development and implementation of new procedures for energy conservation and efficiency, renewable and alternative energy sources to assist the commonwealth's agricultural community to grow and develop; provided, that funds shall be expended for the Northeastern Massachusetts aquaculture center by Salem State College, the Southeastern Massachusetts aquaculture center by Barnstable county and the Western Massachusetts center for sustainable aquaculture by the University of Massachusetts at Amherst; provided further, that the Massachusetts aquaculture centers work in cooperation and in collaboration with the department of agricultural resources toward the provision of grant funding and services to the Massachusetts aquaculture industry; and provided further, that there be established a program to assist in the preservation and rehabilitation of facilities and land resources of agricultural fairs in the commonwealth through short-term preservation covenants, grants, demonstration projects and other means, under section 38C of chapter 128 of the General Laws; provided further, that funds authorized in this item may be allocated by the commissioner, through competitive grants; and provided further, that the commissioner may adopt regulations relative to these grants ..... \$10,000,000

2500-7014 For the agricultural environmental enhancement program on the abatement of all forms of pollution generated from agricultural activities originally funded under section 8 of chapter 258 of the acts of 1996; provided, that funds may be allocated by the commissioner through competitive grants awarded to public and non-public entities to carry out the purposes of this item ..... \$3,000,000

*Department of Conservation and Recreation.*

- 2800-7011 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, stewardship, and costs associated with the defense of eminent domain takings for the purpose of protecting significant natural and cultural resources of the commonwealth and enhancing the department’s system of forests, parks and reservations; provided, that funds may be used for development and implementation of a stewardship program on lands under the care and control of the department of conservation and recreation, including but not limited to resource and land use monitoring, signage, boundary delineation and monitoring, preparation of baseline documentation, stewardship planning, ecological monitoring, and enforcement of conservation restrictions or detection and resolution of encroachments on land owned in fee simple, and repair of damage to property related to illegal uses such as off-road vehicle trespass; provided further, that funds may be used for inventory, restoration and reclamation of recently acquired land, including demolition of structures, removal of debris, eradication of non-native species, and other services essential to these reclamation efforts .....\$70,000,000
- 2800-7012 For natural resource restoration and protection and to ensure compliance with storm water management and the federal Clean Water Act, including enhanced environmental compliance with laws and regulations, and improvements, and costs associated with site assessment, containment, clean-up, control, removal of, or response actions concerning hazardous materials or substances at forests, parks, reservations and other properties of the department of conservation and recreation .....\$30,000,000
- 2800-7013 For forest management and conservation purposes on state forests and parks of the department, including but not limited to a program of habitat improvements, bio-diverse forestry, and wildlife enhancement to forest and parks, boundary and forest road and trail maintenance and restoration for

forest management, recreation and fire fighting purposes, forest health projects and inventories, forest green certification, coordination with the department of fish and game, compliance projects, for the department's program to market and promote utilization of the commonwealth's biomass supplies for renewable energy projects, for the state match for the cooperative federal-state Urban & Community Forestry Program, and for fire suppression activities, and other forest management and conservation activities.....\$4,000,000

2800-7015 For the protection, preservation and restoration of the commonwealth's significant natural and historic landscapes, and to provide assistance to cities and towns to further these purposes, including protection and stewardship of long distance trails and greenway corridors; provided, that program activities include, but are not limited to, technical assistance, preservation, acquisition of interests in land, construction, rehabilitation, public training, preservation maintenance and associated costs; provided further, that there shall be a program to support the department's mission of natural and cultural resource protection; provided further, that program activities include but are not limited to, scientific analysis, design, construction, rehabilitation, historic structure stabilization, landscape preservation, and archive management; and provided further, that the department may award grants to public and non-public entities to carry out the purposes of this item.....\$5,000,000

2800-7016 For the design, construction, reconstruction, rehabilitation or removal of department-owned dams, and, subject to rules and regulations of the department, municipal-owned dams, other publicly-owned dams, and other dams for which emergency action is required and related facilities and equipment; provided , that the department of conservation and recreation shall give priority to dams and flood control projects which pose the greatest risk to public health, safety or the environment, subject to rules and regulations of the department; and 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 land under the care, custody and control of the department .....\$30,000,000.

2800-7017 For the support of the protection and rehabilitation of the lakes and ponds and associated watersheds of the commonwealth, including but not limited to assistance and grant programs under sections 37A through 37D of chapter 21 of the General Laws; provided, that program activities include, but are not limited to, technical assistance, studies, preservation, environmental improvements and associated costs; and for a program to provide for the registration of persons engaged in the business of drilling or digging wells and assuring adherence to professional standards in well construction in order to protect the ground water resources of the commonwealth and the consumers, including the provision of technical assistance to boards of health and the regulated community, provision of ongoing education to well drillers and others, coordination with the office of the state geologist, and including associated costs.....\$5,000,000

2800-7018 To provide state coordination with a cooperative federal-state program with the United States Geological Survey, Department of Interior, for continuous data collection and analysis including the operation of the statewide stream flow and ground water level monitoring networks standards and web sites, and to fund studies of current water resources research on stream flow and groundwater resource management, watershed studies, and other related hydrologic studies and activities .....\$5,000,000

2800-7019 For the development of long-range capital improvement plans, designs, and related engineering specifications to improve and rehabilitate department properties and facilities, including but not limited to the resource management planning process under section 2F of chapter 21 of the General Laws.....\$5,000,000

2800-7022 For the purpose of protecting and conserving the ecological and economic integrity of the commonwealth's privately held forestlands, including but not limited to acquisition of interests in land including easements, agreements, rights of first refusal and covenants; for a forestry conservation restriction program to acquire conservation restrictions under section 31 of chapter 184 for private working forests actively devoted to sustainable forestry, and classified as forest land under section 2 of chapter 61 of the General Laws, in order to encourage sustainable forestry, protect prime forest land, and help the viability and affordability of sustainable forestry; provided, that working forest conservation restrictions shall be held by the department of agriculture or the department of conservation and recreation or the municipality in which the land is located; provided further, that projects shall be rated based on the suitability of land to grow forest products, the fair market value of the land as determined by independent appraisers, proximity to other protected working forests, management history of the project to serve as a model of sustainable forestry and the degree to which the conservation restriction would serve to preserve and make affordable the practice of sustainable forestry in the commonwealth; and for grants to public and non-public organizations and private landowners for education, technical assistance, forest stewardship practices, enhancement of ecosystem services and carbon sequestration, estate planning, interests in land or associated land acquisition costs; grants to private forest landowners, forest businesses and non-profits for the forest viability program for enhancing sustainable economic benefits of forests, including business plans and implementation grants and no-development covenants to be held by the department of agriculture or the department of conservation and recreation, including but not limited to forest management plans for private landowners; provided, that projects and funding shall be approved by the secretary of energy and environmental affairs; and provided further,

that projects may be carried out in cooperation with other governmental agencies, private landowners, and conservation organizations according to management agreements approved by the secretary.....\$4,000,000

2800-7097 For the design, construction, reconstruction, improvement or rehabilitation of department or navigable coastal and inland waterways projects, including but not limited to coastal protection, structures, dredging rivers and stream cleaning, coastal structure maintenance, piers, dune stabilization, culvert repair, renourishment, erosion control and waterfront access and transportation improvements and related facilities and equipment.....\$12,500,000

2840-7014 For the design, construction, reconstruction, improvement or rehabilitation of department reservations, forests, parks, harbor islands, skating rinks, swimming pools, golf courses, tennis courts, basketball courts, playgrounds, other recreational facilities, and beaches and related facilities, and equipment and for the planning, design, construction, repair, reconstruction, rehabilitation, or improvement of department bike paths, greenways, recreational trails, and related facilities and equipment .....\$213,000,000

2840-7017 For the design, construction, reconstruction, repair, improvement or rehabilitation of flood control facilities and water resource protection related facilities of the department, including its various pump stations and structures.....\$30,000,000

*Division of Energy Resources*

9300-7909 For the energy conservation improvement program, under section 11 of chapter 25A of the General Laws; provided, that funds in this item shall be allocated from time to time by the commissioner of the division of energy resources for the purposes of the energy audit program, the energy conservation improvement program, and the alternative energy property program, and for other programs that increase energy

efficiency and the deployment of renewable resources at public facilities; provided further, that when expending these funds, the commissioner shall take into consideration, among other relevant factors, the amount of available state and federal financial resources, the needs of each program with respect to public buildings and facilities, the volume of requests or expected requests from other entities for assistance under each program, the expected costs and public benefits of each program and, after information has become available from the energy audit program, the priorities and needs indicated by that information; provided further, that funds shall be expended on the buildings and facilities owned by public entities; and provided further, that grants may be issued for the purposes of this line item .....\$13,250,000

SECTION 3. To provide for a statewide program of improvement and preservation of the transportation assets of the commonwealth owned, managed, and maintained by the department of conservation and recreation, the sums set forth in section 4, for the several purposes and subject to the conditions specified in that section, are hereby made available, subject to the law regulating the disbursement of public funds, which sums are in addition to amounts previously appropriated for these purposes.

SECTION 4.

**EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS**

*Department of Conservation and Recreation*

- 2890-7010 For the design, construction, reconstruction, repair, improvement, or rehabilitation of department of conservation and recreation parkways, boulevards, bridges and related appurtenances and equipment, including but not limited to the costs of engineering and other services for those projects rendered by department of conservation and recreation employees or by consultants; provided, that funds may be expended for pedestrian and bicycle safety, traffic calming, landscape improvements, street lighting, and safety equipment .....\$75,000,000
- 2890-7011 For the design, maintenance, reconstruction, repair, and rehabilitation of vehicle bridges

under the control of the department of conservation and recreation; provided, that notwithstanding any general or special law to the contrary, funds may be allocated through an interagency service agreement to the department of highways; provided further, that the agreement shall specify that a spending plan shall be filed each year with the commissioner of conservation and recreation providing a schedule of outlays from this item; provided further, that the agreement shall specify that a report shall be filed by the department of highways and the department of conservation and recreation to the joint committee on transportation and the joint committee on environment, natural resources, and agriculture by September 30 of each year detailing the status of work undertaken through this line item for the previous fiscal year; provided further, that all work funded by this item undertaken by the department of highways under any interagency service agreement shall be carried out according to standards developed by the department of conservation and recreation to protect the scenic and historic integrity of the bridges under its control; and provided further, that final design of the bridges shall be subject to the review and approval of the commissioner of the department of conservation and recreation .....\$250,000,000

SECTION 5. To meet the expenditures necessary in carrying out section 2, the state treasurer shall, upon request of 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, the sum of \$1,075,000,000. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Preservation and Improvement of Environmental Assets Loan Act of 2008, and shall be issued for a maximum terms of years, not exceeding 30 years, that the governor may recommend to the general court under section 3 of Article LXII of the Amendments to the Constitution. All these bonds shall be payable not later than June 30, 2043. All interest and payments on account of principal of these obligations shall be payable from the General Fund unless otherwise specified. Bonds and interest on bonds issued under the authority of this section, notwithstanding any other provision of this act, shall be general obligations of the commonwealth.

SECTION 6. To meet the expenditures necessary in carrying out section 4, the state treasurer shall, upon request of 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, the sum of \$325,000,000. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Environmental Transportation Assets Loan Act of 2008 and shall be issued for a maximum term of years, not to exceed 30 years, that the governor may recommend to the general court under section 3 of Article LXII of the Amendments to the Constitution. All these bonds shall be payable not later than June 30, 2043. All interest and payments on account of principal of these obligations shall be payable from the General Fund unless otherwise specified. Bonds and interest on bonds issued under the authority of this section, notwithstanding any other provision of this act, shall be general obligations of the commonwealth.

SECTION 7. Each agency acquiring land or an interest in land under section 2 may expend an amount not to exceed 5 per cent of the amount appropriated to that agency in section 2 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 what shall constitute reasonable expenses. 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 8. No amounts authorized in section 2 shall be used by a recipient municipality for the supplementing or supplanting of normal operating expenses of any function of the municipality.

SECTION 9. Notwithstanding any general or special law to the contrary, funds may be expended for services rendered by agency employees or by consultants necessary to support projects authorized in section 2 and section 4.

SECTION 10. Notwithstanding any general or special law to the contrary, upon acquiring any fee interest in land for purposes within Article XCVII of the Amendments to the Constitution, all state agencies, commissions and boards expending or receiving state funds under this act shall obtain the approval of the secretary of energy and environmental affairs before implementing or endorsing any prohibition of fishing, hunting or trapping on that land and shall provide the secretary with written justification of the prohibition.

SECTION 11. Notwithstanding section 30 of chapter 29 or section 65 of chapter 30 of the General Laws, a portion of the funds authorized in section 2

may be used for the costs associated with the purchase of title insurance and services for title examinations, reports and certifications.

SECTION 12. All expenditures from items in section 2 authorized as grants to non-public entities shall be expended for public purposes and shall comply with Article 103 of the Amendments to the Constitution and 815 CMR 2.00.

SECTION 13. The water pollution abatement trust established under chapter 29C of the General Laws may make a loan to the city of Worcester for the components within the city of the project described in Department of Conservation and Recreation Waste Water Project No. WM93-001-SIA, Waste Water Facilities Plan West Boylston – Holden – Wachusett Reservoir Project, which are on the department of environmental protection's intended use plan for calendar year 2008. Notwithstanding any general or special law to the contrary, the commonwealth shall provide contract assistance to the trust under section 6 or section 6A of chapter 29C in each fiscal year of the commonwealth in amounts sufficient to provide a subsidy or other assistance to the trust for all of the debt service payable on the loan.

SECTION 14. 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: 2240-9101, 2240-9105, 2240-9106, 2240-9107, 2890-0012, 2250-8881, 2260-9882, 2820-7882, 2820-8881, 2820-8882, 2820-8883, 2840-8886, 2840-8889, 2890-0013, 2890-0014, 2890-0015, 2890-0016, 2820-8936, 2800-0950, 2800-0951, 2800-0952, 2820-8951, 2840-8950, 2840-8952, 2840-8956, 2850-9951, 2890-0017, 2890-0019, 2260-9965, 2895-8968, 2000-7968, 2000-9963, 2200-8969, 2250-9959, 2300-7967, 2300-8961, 2300-8970, 2320-8960, 2320-8978, 2800-1961, 2820-8960, 2820-8961, 2840-8963, 2840-8965, 2850-6966, 2850-6967, 2850-9969, 2896-8967, 2820-6996, 2840-9990, 2895-8998, 2000-1997, 2000-7992, 2000-7993, 2300-7991, 2300-7992, 2800-1122, 2800-7991, 2800-7992, 2800-7993, 2800-7994 2820-1420, 2840-7991, 2840-7992, 2840-7993, 2840-7994.

SECTION 15. Section 14 of this act shall take effect 90 days after the effective date of this act.