

HOUSE No. 5054

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, July 31, 2008.

The committee of Conference on the disagreeing votes of the two branches with reference to the Senate amendment of the House Bill providing for the preservation and improvement of land, parks, and clean energy in the Commonwealth (House, No. 5005), reports the following bill (House, No. 5054).

For the committee,

On the part of the House,

FRANK I. SMIZIK
BRIAN S. DEMPSEY
LEWIS G. EVANGELIDIS

On the part of the Senate,

PAMELA P. RESOR
STEPHEN M. BREWER
BRUCE E. TARR

The Commonwealth of Massachusetts

In the Year Two Thousand and Eight.

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

1 *Whereas*, The deferred operation of this act would tend to
2 defeat its purpose, which is to provide for preservation and
3 improvement of the environmental assets of the commonwealth,
4 therefore it is hereby declared to be an emergency law, necessary
5 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:*

1 SECTION 1. To provide for a capital outlay program of
2 improvement and preservation of the environmental assets of the
3 commonwealth, the sums set forth in section 2A, for the several
4 purposes and subject to the conditions specified in this act, are
5 hereby made available, subject to the law regulating the disburse-
6 ment of public funds, which sums are in addition to amounts pre-
7 viously appropriated for such purposes.

1 NO SECTION 2.

1 SECTION 2A.

SECRETARY OF THE COMMONWEALTH.
Massachusetts Historical Commission.

0526-2010	For a grant program to units of municipal government and to private, nonprofit organizations for the preservation of historic properties, landscapes and sites; provided further, that such funds shall be awarded in accordance with regulations promulgated by the state secretary, chairman of the Massachusetts historical commission; and provided further, that \$20,000 be expended for the Northampton St. Patrick's Association in coordination with the Halligan-Daley Commemoration Committee for the study, preparation of plans, site maintenance and access improvements at the Halligan-Daley Memorial site located in the city of Northampton	30,000,000
-----------	---	------------

**EXECUTIVE OFFICE FOR
ADMINISTRATION AND FINANCE.**

Office of the Secretary.

0620-1000	For the water pollution abatement 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 federal Clean Water Act.....	50,000,000
0620-2000	For the water pollution abatement trust established in section 2 of chapter 29C of the General Laws for deposit in the Drinking Water Revolving Fund established in 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
0620-2050	For the water pollution abatement trust grandfathered drinking water revolving fund established by Chapter 78 of the Acts of 1998, to fund financial assistance to municipalities and other eligible borrowers to meet debt service obligations incurred by the municipalities and other eligible borrowers after January 1, 1992, to finance the costs, including interest as calculated by the water pollution abatement trust, of water treatment projects or portions thereof which have been approved by the department of environmental protection, or otherwise authorized by law, and which have been completed, as determined by the department, on or before the promulgation date of the department's regulations related to the implementation of the Safe Water Drinking Act.....	21,171,330
1100-2500	For improvements to coastal facilities in designated and non-designated port areas, including those defined in chapter 21F of the General Laws, 301 CMR 25, section 63 of chapter 91 of the General Laws and 312 CMR 2.00; 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; provided further, that not less than \$2,500,000 shall be expended for the Bellegarde Boathouse in the city of Lowell; provided further, that \$3,500,000 shall be expended for the redevelopment of the waterfront in the city of Beverly; provided further, that \$5,000,000 shall be expended for the construction of T-wharf in the town of Plymouth; provided further, that not less than \$1,000,000 shall be expended for the environmental remediation of the city pier in the city of Fall River; provided further, that \$40,000 shall be expended for the dock at Mary O'Malley Park in the city of Chelsea	

including, but not limited to, the engineering, design, construction and rebuilding of the dock; provided further, that not less than \$25,000,000 shall be expended on capital improvements to the state pier facility in the city of New Bedford, which improvements shall be made to further economic development within the port of New Bedford; projects may include, but shall not be limited to, a multi-use facility for water dependent cargo, commercial fishing improvements, commercial marine transportation improvements, marine educational facilities, a fresh produce and fish market, and capital improvements related to tourism, public recreation and other economic development within the port of New Bedford; provided further, that not less than \$580,00 shall be expended for repair, paving, and a stormwater filtration system for the bulkhead located in Wellfleet; provided further, that \$600,000 shall be expended for the rehabilitation of the Jacobs Meadow outfall channel wall in Cohasset; and provided further, that not less than \$1,400,000 shall be expended to further the economic development of the Port of Newburyport and may include, but shall not be limited to commercial fishing interests, marine transportation improvements, marine educational facilities, a fresh produce and fish market, and other improvements related to tourism, public recreation and other economic development within Newburyport.....

113,680,000

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 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; and 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	30,000,000
1102-7000	For the rehabilitation of the division of fish and wildlife Cronin Field Headquarters Building and the construction of additional adjacent buildings in the town of Westborough, including but not limited to, new construction, repair and rehabilitation of buildings and grounds	25,000,000

**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 said section 11 as open space shall revert to the commonwealth to be managed as open space; and provided further, that \$500,000 shall be expended as a matching grant for the preservation of open space at Crow Hill in the city of Worcester	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 brown-field 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; provided further, that not less than \$250,000 shall be expended for improvements to Vietnam Veterans Park in Billerica; provided further, that not less than \$191,800 shall be expended for maintenance of and improvements to the Vietnam Veterans Memorial in Green Hill Park in Worcester; provided further, that not less than \$800,000 shall be expended for repairs to a historic structure in Hardwick; provided further, that not less than \$500,000 shall be expended for improvements to Mapleway Park in Wakefield; provided further, that not less than \$275,000 shall be expended for improvement to the Lake Street water resource and recreation area in Shrewsbury; and provided further, that not less than \$250,000 shall be expended for improvements to Prospect Park walking trail in Shrewsbury; provided further, that not less than \$100,000 shall be expended for the Nashua River Rail Trail in Ayer, Groton, Pepperell and Dunstable; provided further, that not less than \$1,000,000 shall be expended for repairs to the footbridge in historic Island Grove Park in the town of Abington; provided further, that not less than \$300,000 shall be expended for the rehabilitation, improvement and enhancement of city parks in Methuen; provided further, that not less than \$50,000 shall be expended for renovations and upgrades to public parks in	

Lakeville; provided further, that not less than \$50,000 shall be expended for renovations and upgrades to public parks in Freetown; provided further that not less than \$800,000 shall be expended for a recreation grant in the town of Saugus, including Stocker Park and Belmonte Middle School soccer, track, tennis and baseball complex; provided further, that not less than \$200,000 shall be expended to the Rehoboth Agricultural and Natural Resources Preservation Council for the preservation and protection of critical environmental resources and open space in Rehoboth; provided further that \$50,000 for the town of Dracut to purchase the Canney Farm for the construction of a public park; provided further, that \$500,000 shall be expended for drainage improvements on Frye Road in the City of Methuen; provided further, that \$1,200,000 be expended for urban park restoration within the Emerald Necklace portion of the city of Boston; provided further, that not less than \$2,000,000 shall be expended for the design and reconstruction of Oxford park in the city of Lawrence; provided further, that \$50,000 shall be expended for work on public playing fields in the town of Southamptton; provided further, that not less than \$150,000 shall be expended for improvements to the town beach in the town of Millis; provided further, that not less than \$150,000 shall be expended for improvements to Farm Pond in the town of Sherborn; provided further, that not less than \$500,000 shall be expended for the revitalization of Memorial Park in the city of Taunton, which shall include, but not be limited to, landscaping, pond dredging, park benches and playground equipment; provided further, that not less than \$300,000 shall be expended for improvements to the Bear Hole Watershed in the city of West Springfield; provided further, that not less than \$500,000 shall be expended for maintenance of the dike system in the city of West Springfield; provided further, that not less than \$150,000 shall be expended for wetland restoration and drainage repair on Myrtle Street in the town of Millis; provided further, that not less than \$217,000 shall be expended for renovation of the public tennis courts in Wakefield; and provided further, that not less than \$735,000 shall be expended for the Hull Land Conservation Trust for the purposes of protecting wildlife and providing public access to conservation and passive recreation areas in the town of Hull; provided further, that not less than \$50,000 shall be expended for the repair of the Medina Street boat ramp in the City of Chicopee; provided further that not less than \$1,500,000 shall be expended for the restoration, remediation, and other necessary environmental improvements at the Project India site in Ludlow; provided further, that not less than \$100,000 shall be expended for improvements to McEvoy Park in the town of North Andover; provided further, that not less than \$750,000 shall be expended for expansion and improvements to JJ Lane Park in the town of Natick; provided further, that not less than \$1,000,000 shall be expended for dredging of Forge Pond in the town of East

Bridgewater; provided further, that \$125,000 shall be expended for renovations and improvements to the South Lawrence East fields; provided further, that not more than \$10,000,000 shall be expended for a grant to the New England Aquarium for the renovation of the public space on Central Wharf in the city of Boston; provided further that \$2,500,000 shall be expended for a grant to the Boston Children's Museum for renovation of the public open space and interactive park known as Children's Wharf Landing in the city of Boston; provided further, that not less than \$250,000 shall be expended for improvements to the Murphy Playground in the town of Natick; provided further, that not less than \$954,000 shall be expended for dam repairs at Harding Pond and Hobart Pond in the town of Whitman; provided further, that not less than \$270,000 shall be expended to permanently close to vehicular traffic a section of River Road in the town of Merrimac and to assist in the creation of pedestrian and bicycle trails in said road section; provided further, that \$650,000 shall be expended for the construction of a boardwalk and access improvements to Nashawannuck Pond in Easthampton; provided further, that not less than \$85,000 be expended for the installation of an universally accessible Boundless Playground in the city of Beverly; provided further that not less than \$300,000 be expended for improvements to Mittineague Park in the city of West Springfield; provided further, that not less than \$500,000 shall be expended for the Winnekenni Castle Park in Haverhill; provided further, that not less than \$5,000,000 shall be expended for the re-development, construction and maintenance of the Legion Field in the town of Weymouth; provided further, that not less than \$100,000 shall be expended for a grant to the city of Springfield for renovations and upgrading to Alford Park, Stafford Park, Harriet Tubman Park, Waterfront Park, and Johnny Appleseed Park; provided further, that not less than \$250,000 shall be expended to provide a well and irrigation system, as well as improve athletic fields and associated structures at the Bagnall Elementary School in the town of Groveland; provided further, that not less than \$150,000 shall be expended for the engineering and construction of open space on a parcel of land owned by the town of Marshfield located at the intersection of Ocean and Webster streets; provided further, that not less than \$700,000 shall be expended to the town of Bedford for the design and construction of the Vine Brook Culvert project on Old Burlington Road adjacent to the Wilson Mill Dam; provided further, that not less than \$500,000 shall be expended for park and trail improvements in the town of Dartmouth; provided further that not less than \$750,000 shall be expended for the dredging of Fore River in the town of Braintree; provided further, that not less than \$150,000 shall be expended for improvements to Smith Beach in the town of Braintree; provided further, that not less than \$200,000 shall be expended for the Randolph Salt Shed; provided further, that not less than \$400,000

shall be expended to remove pesticide contamination on town-owned property in the town of Mendon; provided further, that \$100,000 be expended for the planning, engineering, and permitting for a public boathouse and rowing facility to be constructed on the Connecticut River in the city of Northampton; provided further, that \$200,000 shall be expended for the construction of a footbridge adjacent to the Wedgemere Commuter Rail Station in the town of Winchester; provided further, that not less than \$250,000 shall be expended for the Caryville Mill site along the Charles River Watershed Area for decontamination services; and provided further, that \$250,000 shall be expended for the restoration of Bonin Field in Holyoke.....

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; provided, that not less than \$10,000 be expended for the Squantum Seaside Gardeners for the purposes of environmental beautification projects in the City of Quincy; provided further, that no less than \$10,000 shall be expended for the Wollaston Garden Club for the purposes of environmental beautification projects in the City of Quincy; provided further, that no less than \$200,000 be expended for the Quincy Park and Forestry Department to be allocated for the purpose of city tree plantings in the City of Quincy; and provided further, that not less than \$100,000 be expended for the acquisition of wooded land to be used for conservation and passive recreation in the North Street neighborhood of the city of Northampton, provided that the abutters of said property provide matching funds for said acquisition

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 anti-

pated 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 shall 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 shall 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 and 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 stormwater 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; provided further, that not less than \$2,000,000 shall be expended for

wastewater improvements near Hyannis Harbor in Barnstable; provided further, that not less than \$2,000,000 shall be expended for Connecticut River combined sewer overflow remediation in the cities of Springfield, Chicopee, Holyoke; provided further, that not less than \$350,000 shall be expended for a wastewater management study and environmental impact report in Acushnet; provided further, that not less than \$2,000,000 shall be expended to assist Gloucester with the costs of sewer collection and treatment infrastructure to improve coastal water quality and comply with federal and state regulatory and judicial mandates; provided further, that not less than \$500,000 shall be expended on beach nourishment for Chapoquoit Beach and Woodneck Beach, and Menauhant Beach in the town of Falmouth; provided further, that not less than \$3,500,000 shall be expended for infrastructure improvements to address water quality decline due to failing wells in Medway; provided further, that \$3,900,000 shall be expended for stormwater drainage improvements in Framingham; provided further, that an amount not less than \$75,000 shall be expended by the Provincetown Center for Coastal Studies for the study of the coastal geology and related matters of the barrier beach in Orleans and Chatham known as North Beach; provided further, that not less than \$3,000,000 shall be expended to the town of Barnstable for a matching grant to purchase a parcel of land referred to as Freezer Point in Barnstable Harbor; provided further, that not less than \$1,500,000 shall be expended for the clean-up of Mill River in the city of Springfield; and provided further, that not less than \$2,000,000 shall be expended for Connecticut River combined sewer overflow clean up on Hubbard Street in Ludlow

40,075,000

2000-7022

For the programs and activities of the office of geographical and environmental information in support of community preservation and other programs; provided, that such funds may be allocated by the secretary of energy and environmental affairs to the department of conservation and recreation, the department of fish and game, the department of agricultural resources, and the department of environmental protection; provided further, that funds may be expended from this item for the costs of services essential to such projects rendered by employees or by consultants; provided further, that the secretary may provide grants to, including but not limited to, municipalities, regional planning agencies, and other public and non-public entities to implement said programs; provided further, that funding may be expended for the creation of inventories of species and mapping of areas important for biological conservation and ecosystem protection; provided further, that priority shall be given to the development, from existing source materials where possible, of the following data bases: wetlands, soils, public water supply protection areas, land records, economic growth areas, transportation development, aquifer recharge areas, floodways, vernal pools, endangered and threatened

species and species of special concern, public lands, recreation areas, zoning, hazardous and toxic waste sites and historical and cultural resources; and provided further, that such efforts shall be coordinated to the maximum extent feasible with federal, state, and local governments, regulated utilities and conservancy efforts; provided further, that not less than \$750,000 shall be expended to provide long term maintenance, preservation, and protection of Whitman's Pond in the Town of Weymouth; and provided further, that not less than \$15,000 shall be expended for a Licensed Site Professional/Risk Assessment Consultant for oversight of the Rockland Industries remediation project in Middleboro.....

13,000,000

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 shall 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; and provided that not less than \$250,000 shall be provided to the department of environmental protection, in conjunction with the executive office of transportation, for to conducting an investigation and make recommendations on the best practices to reduce the emission of pollutants and achieve reductions in particulate matter emissions from state and municipally-owned and contracted diesel-powered vehicles and study the costs associated with implementing the use of the best available retrofit technology on diesel-powered vehicles owned or operated by or on behalf of, or leased by or operating under contract with a municipality or state agency or state or regional public authority; provided further that the department of environmental protection shall report on its findings and the information contained in this report shall include, but not be limited to, for each municipal or state agency and public authority: (1) the total number of diesel fuel-powered motor vehicles owned or operated by such agency and authority; (2) the number of such motor vehicles that were powered by ultra low sulfur diesel fuel; (3) the total number of diesel fuel-powered motor vehicles owned or operated by such agency and authority having a gross vehicle weight rating of more than 14,000 pounds; (4) the number of such vehicles that utilized the best available retrofit technology, including a breakdown by motor vehicle model, engine year and the type of technology used for each vehicle; and (5) the number of such motor vehicles that are equipped with an engine certified to the applicable 2007 US EPA standard for particulate matter as set forth in Section 86.007-11 of Title 40 of the Code of Federal Regulations or to any subsequent US EPA standard for particulate matter; provided further that this report shall be filed with the clerks of the house of representatives and the senate, the joint committee on

	environment, natural resources, and agriculture, the joint committee on transportation, and the joint committee on economic development and emerging technologies, not later than December 31, 2009, and an interim report shall be filed not later than April 1, 2009	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 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 not less than \$1,600,000 shall be expended for wetland restoration and water quality projects in Woburn; 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, inclusive, 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	3,100,000
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 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, provided, that the secretary may allocate funds for the purposes of this item; provided further, that not less than \$200,000 shall be expended for the construction of a wind turbine to be located at the McGlynn Elementary and Middle Schools in Medford; provided further, that \$600,000 shall be expended for the	

town of Falmouth to meet the cost of the contract and construction services for the 1.5 megawatt wind turbine at their wastewater treatment facility; provided further, that not less than \$1,000,000 shall be expended on the development of a Buzzards Bay Center in the Whaling National Historical Park; provided further, that notwithstanding any general or special law or rule or regulation to the contrary, \$3,000,000 shall be expended for a green school environment grant in the town of Saugus; provided, however, that said grant shall only be expended if the town of Saugus is certified to receive state aid to public libraries by the board of library commissioners; provided further that not less than \$800,000 shall be expended for the construction of a water tower at the Templeton Development Center; provided further, that not less than \$400,000 shall be expended for the restoration of wells located at the former Dever State School in the city of Taunton, which shall include, but not be limited to, the construction of replacement wells and installation of necessary equipment to maintain the wells for use a regional water supply; provided further, that \$550,000 shall be expended for a clean air aging boiler grant in the town of Saugus; provided further, that not less than \$250,000 shall be expended for the development of the Jones River Landing Environmental Heritage Center in the town of Kingston; provided further, that not less than \$1,000,000 shall be expended for a feasibility study and the construction of a wind turbine to be located in the Town of Weymouth; provided further, that not less than \$1,000,000 shall be expended for the costs associated with the construction, renovation, and maintenance of a Water Treatment Plant in the town of Weymouth; provided further, that not less than \$250,000 shall be expended for the creation of park space bordering Clipper Ship Drive and the Mystic River in the city of Medford; provided further, that not less than \$1,500,000 shall be expended for the construction of a wind turbine in the town of Braintree for the purpose of providing power to a new tri-town water treatment plant under the care, custody and control of the Tri-Town Board of Water Commissioners of Braintree, Holbrook, and Randolph; provided further, that \$100,000 shall be expended for the construction of a wind turbine at Winchester High School in the Town of Winchester; and provided further, that grants may be awarded to public or non-public entities to carry out this item

29,150,000

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; provided further, that not less than \$1,000,000 shall be expended for sewer extensions in the Spencer/Tuttle /Flint area of the town of Acton, otherwise referred to as Area 10 in the town's CWRMP; provided further, that not less than \$1,000,000 shall be expended for separation of sewer and storm drains in Palmer; provided further, that not less than \$200,000 shall be expended for the identification and remediation of pollution sources for the Cole and Lees rivers; provided further, that not less than \$500,000 shall be expended for each of the next three years for the operation of an alternative sewage treatment demonstration project, to be managed by the Department of Environmental Protection in consultation with the Barnstable County Health Department, evaluating the potential for the use of urine diverting toilets and composting toilets as a means of cost effectively reducing nitrogen loading; and provided further, that not less than \$150,000 shall be expended for the identification and remediation of pollution sources for the Unquity Brook in the town of Milton

15,200,000

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; provided, that \$350,000 shall be expended for air quality monitoring, odor mitigation, and the establishment of an airborne odor and toxics mitigation strategy in the city of Northampton and town of Easthampton in neighborhoods impacted by the regional solid waste landfill, located in the city of Northampton; and provided further, that not less than \$1,000,000 shall be expended for air quality monitoring and odor mitigation of the Crow Lane Landfill in the city of Newburyport

4,850,000

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; provided, however, that funds authorized in this item 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; provided further, that \$2,000,000 shall be expended for the monitoring, mitigation, inspection and investigation of the impacts of the

	regional solid waste landfill in the city of Northampton on groundwater, public and private water supply wells and the Barnes Sole Source Aquifer; and provided further, that not less than \$250,000 shall be expended for improvements to the Transfer Station in the Town of Winchester...	13,000,000
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, or the regulations promulgated thereunder, the Massachusetts contingency plan; provided, that not less than \$12,000,000 shall be expended for the remediation of soil contamination on residential properties located on streets adjacent to or in proximity to the former landfill site in Brookline; provided further, that not less than \$7,000,000 shall be expended for the clean up of the Shaffer Paper site in Dorchester; and provided further, that not less than \$1,000,000 shall be expended to clean up and renovate the Old Mason Square Fire House in Springfield in order for public use.....	44,000,000
2200-7016	For a grant to the University of Massachusetts Amherst Landscape Ecology Program to utilize the Conservation Assessment and Prioritization System to establish a statewide, comprehensive wetlands monitoring and assessment program for the commonwealth, to identify relationships between landscape-based stressors and the physical and biotic condition of ecosystems, and to complete a statewide landscape connectivity study	500,000
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; provided, that not less than \$1,125,000 be expended for a watershed study of the Miles River watershed and restoration in Ipswich, Beverly, Wenham and Hamilton	22,500,000

2200-7018 For a grant program to assist municipalities, water districts and water commissions, hereinafter referred to as water suppliers, with preserving drinking water quality and reliability; provided, that the program shall provide grant funding to water suppliers to upgrade or replace their water infrastructure; provided further, that as a condition of receiving grant funding pursuant to this program, a water supplier shall certify in writing to the department that the water supplier has a comprehensive upgrade and maintenance plan for its water infrastructure; provided further, that the comprehensive upgrade and maintenance plan shall include the following information: (1) a detailed financial forecast of facility replacement improvement requirements for the next 20 years including, but not limited to, the principal components of the water system such as reservoirs, dams, treatment plants, pipes, valves, fire hydrants, pumping stations, storage facilities, pumping and well equipment, interconnections and water mains and each financial forecast shall analyze the condition and life expectancy of the existing facilities, prioritize needed repairs and replacements and amortize such improvement requirements on an annual basis over the next 20 years; provided, that water suppliers which have in effect infrastructure improvement or rehabilitation programs and mechanisms for funding approved by their appropriate governing bodies may submit their existing programs for complete or partial compliance with this clause; and (2) a method that establishes and maintains fiscal controls and accounting depreciation standards; provided, that a water supplier that is also a municipality shall additionally certify in writing to the department that it has adopted a water supply utility enterprise fund pursuant to section 53F½ of chapter 44 of the General Laws; provided further, that the municipal water supplier shall further certify that it shall maintain its water supply utility enterprise fund in accordance with said section 53F½ of said chapter for 10 years from the date the grant is approved, or longer as determined by the department..... 25,000,000

Department of Fish and Game.

2300-7010 For the acquisition of land and interests in land by the department of fish and game and for associated costs, including planning, study, due diligence, title and appraisal services, site restoration and stewardship for the purpose of protecting the native flora and fauna communities and for associated costs; provided, that the commissioner 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 fisheries and wildlife; 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; 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.....

73,000,000

2300-7011 For enhancements, improvements, removal 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 shall 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; and provided that not less than \$50,000 shall be expended for the oversight and the enhancement of public safety and law enforcement on property owned by the city of Westfield located in the town of Montgomery ..

13,000,000

2300-7013 For the purposes of conserving and recovering rare and endangered plant and animal species listed under chapter 131A of the General Laws 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 shall 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; provided further, that not less than \$20,000 shall be allocated for phosphorus management and algae reduction in West Monponsett pond in the town of Halifax; and provided further, that not less than

\$250,000 shall be expended for the protection and conservation of northern right whales and sea turtles in Massachusetts waters.

10,000,000

2300-7014

For a program of upland habitat management of forestlands, shrub lands, 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 forest stewardship council or the sustainable forestry initiative; provided, that activities shall include, but shall 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 to establish and support an integrated, early detection and rapid response system for invasive species and to complete a strategic management plan for invasive species to prevent, control, eradicate and restore natural management areas; provided, that the commissioner shall identify at all scales the natural and cultural resources at risk from invasive species and conduct baseline assessments of invasive species at those sites and to educate the public to help prevent and control invasive species 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 shall 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 shall 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, sportsmen’s clubs or governmental agencies; provided further, that grants may be awarded to public and non-public entities to carry out the purposes of this item; provided further, that not less than \$1,200,000 shall be expended for invasive species control in the city of Peabody; provided further, that \$50,000 shall be expended for the eradication of invasive aquatic weed in the town of Wayland; provided further, that not more than \$2,000,000 may be annually appropriated for a program to support comprehensive methods of controlling harmful invasive aquatic species; provided further, that not less than \$5,000,000 shall be expended for a program of grants to cities and towns for projects to control or eradicate harmful invasive aquatic species; provided further, that not less than \$25,000 shall be expended for invasive aquatic weed control in the town of Lincoln; and provided further, that the department may award grants to public and non-public entities to carry out the purposes of this item

16,500,000

2300-7015	<p>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 shall not be limited to, equipment to implement these programs; and provided further, that the commissioner or his 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.....</p>	10,000,000
2300-7016	<p>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 including, but not limited to, public docking access in Boston Harbor; provided further, that not less than \$300,000 shall be expended for the reconstruction of the boating and fishing access ramp at Cooks Pond in Fall River; provided further, that \$350,000 shall be expended for Salisbury Flood Control in state highway route 1; provided further, that not less than \$400,000 shall be expended for the fish pier at Deer Island Park in Amesbury; provided further, that \$190,000 shall be expended for the North Andover boat ramp at Riverview Street; provided further, that \$500,000 shall be expended for Green Pond Boat Ramp in the town of Falmouth; provided further, that \$1,000,000 shall be expended for renovations to the state boat ramp and parking lot at Lake Mascuppic in Dracut; provided further, that not less than \$650,000 shall be expended for the repair and enhancements of the public access boat ramp on Laurel lake in the town of Lee; provided further, that not less than \$250,000 shall be expended for the renovation of the Bashara Boathouse in Lawrence Riverfront State Park; provided further, that not less than \$75,000 shall be expended for design and engineering costs for a boat ramp at Squantum Point Park in Quincy; provided further, that not less than \$500,000 shall be expended for the construction of a stand-alone public fishing pier in Oak Bluffs; provided further, that not less than \$250,000 shall be expended for the Lower Millyard small boat launch on the Powwow and Back Rivers in the town of Amesbury; provided further, that not less than \$300,000 shall be expended for the purchase of rail corridor east of the Basiliere Bridge and the redevelopment of a boat park on the Merrimack River by</p>	

the public boat ramps in the town of Haverhill; provided further, that not less than \$500,000 shall be expended for the planning, design, construction permitting, and oversight of a boat ramp and associated parking access road ways on the Concord River in Billerica; provided further, that not less than \$750,000 shall be expended on the design and construction of boat ramps, slips, moorings, and associated upland facilities at the Scituate marine park in the town of Scituate; provided further, that not less than \$40,000 shall be expended for the Newburyport Joppa Flats Boat Launch; provided further, that not less than \$75,000 shall be expended for the planning and engineering of an outdoor sports visitor center on the Oxbow section of the Connecticut River in the city of Northampton to enhance recreational opportunities; provided further, that not less than \$800,000 shall be expended for the dredging of Squantum and Wollaston Yacht Club emergency boat access in Wollaston Beach in the city of Quincy; provided further, that not less than \$30,000 shall be expended on Turner’s Road in Milton to prevent run off at Central Avenue; provided further, that not less than \$2,000,000 shall be expended for sediment control in Lake Webster; provided further, that not less than \$150,000 shall be expended for the enhancement and rehabilitation of the Cashman Park boat launch in the city of Newburyport; and provided further, that not less than \$75,000 shall be expended for a canoe/kayak launch on the Merrimack River at the Harbormaster’s Station next to the Railroad Bridge in the town of Salisbury

11,500,000

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 water birds 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 from 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 ...

10,450,000

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 marine fisheries and the commissioner of the department, and for associated costs; provided, that these associated costs may include, but shall 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, management studies; provided further, that not less than \$2,000,000 shall be expended for the study of commercial and recreational fishing stocks, and creating a data collection and fisheries management system to be administered by the Massachusetts Marine Fisheries Institute in conjunction with the School of Marine Science and Technology at the University of Massachusetts, Dartmouth; provided further, that not less than \$2,000,000 shall be expended on a research vessel to conduct ocean management and sustainable fisheries research; provided further, that this vessel shall be operated by the School of Marine Science and Technology at the University of Massachusetts, Dartmouth and shall be primarily berthed in the port of New Bedford; provided further, that not less than \$750,000 shall be expended for the purchase of scales and the establishment of a shore-based monitoring program for all federally-managed fisheries for herring and mackerel, which expenditures shall be made, and the program conducted, in accordance with the requirements of section 24 and under the supervision of the oversight committee established in said section 24; provided further, that not more than \$225,000 shall be expended by the department for the study of the horseshoe crab population in Wellfleet Harbor, Pleasant Bay, and Barnstable Harbor; and provided further, the department may contract with an environmental non-profit in order to conduct said horseshoe crab study.....

7,475,000

Department of Agricultural Resources.

2500-7012	For a program to acquire agricultural preservation restrictions under sections 23 to 26, inclusive, 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 agricultural resources; 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 further, that funds shall be expended for the Northeastern Massachusetts aquaculture center by Salem State College, Southeastern Massachusetts aquaculture center by Barnstable County, the University of Massachusetts School for Marine Science and Technology, in consultation and cooperation with the department's aquaculture division at a location within the port of New Bedford and the Western Massachusetts center for sustainable aquaculture by the University of Massachusetts, Amherst; provided further, that not less than \$10,000,000 shall be expended to establish a program to facilitate the creation of a general public market in Boston to provide local agricultural, seafood and aquaculture, dairy and specialty foods produced in the commonwealth; provided further, that financial support shall be expended for planning and construction of a slaughterhouse in western Massachusetts; provided further, that the Massachusetts aquaculture centers shall work in cooperation and in collaboration with the department of agricultural resources toward the provision of grant funding and services to the aquaculture industry; 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; provided further, that the commissioner may adopt regulations relative to these grants; and provided further, that not less than \$100,000 shall be expended for the continued operation of the shellfish propagation program in Westport.....	30,000,000
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
	<i>Department of Conservation and Recreation.</i>	
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, including 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; provided further, that not less than \$1,500,000 shall be expended for design and permitting of Phase II of the Urban Neponset Reservation; provided further, that not less than \$3,000,000 shall be expended within the Saugus River watershed; provided further, that not less than \$197,132 shall be expended for the restoration of stone walls at Luther Hill Park in Spencer; provided further, that not less than \$200,000 shall be expended for the acquisition and restoration of a parcel on the Concord River in the town of Billerica; provided further, that not less than \$500,000 shall be expended for the planning, design, construction permitting and oversight of a boat ramp and associated parking and access road ways on the Concord	

River in the town of Billerica; provided further, that not more than \$6,000,000 shall be expended for the acquisition of the Silver Maple Forest in Belmont and Cambridge, for conservation purposes; and provided further, that not less than \$12,000,000 shall be expended for the restoration, remediation, and other necessary environmental improvements to the Lower Neponset River Watershed including, but not limited to, associated costs of engineering, design, permitting as well as costs relating to public outreach; provided however, that said project shall be carried out in cooperation with other state, federal and municipal agencies, including the Riverways Program in the Department of Fish and Game; provided further that not less than \$500,000 shall be expended for aesthetic, pedestrian, and vehicular traffic improvements at the intersection of Neponset Valley Parkway and Brush Hill Road in the town of Milton; provided further, that not less than \$10,000,000 to acquire land in the Waquoit Bay recharge area by the department of conservation and recreation; provided further, that not less than \$3,000,000 shall be expended for the design and construction of DCR park land in the Port Norfolk section of Dorchester in the City of Boston; provided further, that not less than \$2,500,000 shall be expended for the Town of Framingham to purchase the development rights for land on the Nobscot Scout Reservation for historic preservation and environmental protection; provided further, that not less than \$400,000 shall be expended for the acquisition and clean up of 58 Beech Street for the purpose of constructing a community park in the area of West Roxbury in the city of Boston; provided further, that not less than \$5,000,000 shall be expended for the Department of Conservation and Recreation to purchase Kesseler Woods in the City of Newton; provided further, that not less than \$100,000 shall be expended to the Udor Tower Conservation Project in the town of Millville; provided further, that not less than \$2,000,000 shall be expended for the repair and upgrading of dams in the city of Springfield; provided further, that not less than \$500,000 shall be expended for the repair of Eddy Pond Dam in the town of Auburn; provided further, that not less than \$1,125,000 shall be expended for a watershed baseline study and feasibility study of the Miles River Watershed protection project in the towns of Beverly, Wenham, Hamilton, and Ipswich; provided further, that not less than \$75,000 shall be expended for oil spill clean-up at Asa Waters Mansion in the town of Milbury

76,000,000

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 ecologically sustainable 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, fuels management, including prescribed fire to protect biodiversity and rare and endangered species habitat, eradicate invasive species and forests pests and pathogens, and including necessary vehicles and equipment, and other forest management and conservation activities, provided that \$670,000 shall be expended for firefighting equipment in the town of Plymouth to support firefighting needs in Myles Standish State Forest 10,000,000
- 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; provided further, that not less than \$1,200,000 shall be provided for the restoration of the John B. Gough Estate in the town of Boylston; provided further, that not less than \$300,000 shall be expended for access improvements and sediment control at White Brook and Broad Brook in Easthampton; provided further, that not less than \$250,000 shall be expended on the Eel Pond restoration project in the town of Mattapoisett; provided further, that not less than \$5,000,000 shall be expended for the creation and maintenance of a linked trail system for local and state parks along the Back River in the towns of Weymouth and Hingham; provided further, that not less than \$200,000 shall be expended for the City of Quincy restoration projects for the Wollaston Sailors Pond and the Montclair Bog; provided further, that not less than \$250,000 shall be expended for the control or eradication of invasive aquatic species at Lake Cochituate State Park; provided further, that not less than \$100,000 shall be expended for invasive weed control on the Charles River in the city of Waltham;

provided further, that not less than \$50,000 shall be expended for control of invasive aquatic species at Noyes Pond in Tolland; provided further, that not less than \$100,000 shall be expended for the town of Ashland for Sudbury river cleanup; and provided further, that the department shall conduct a study of invasive aquatic species infestation in the Charles River.....

12,950,000

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; provided further, that not less than \$1,000,000 shall be expended on the Williams Pond Dam in Orange; provided further, that not less than \$1,500,000 shall be expended for the repair and removal of Whitney Pond Dam; provided further, that not less than \$75,000 shall be expended on a feasibility study at Forge Dam Pond in Kingston; provided further, that not less than \$390,000 shall be expended for repairs to the Squannacook River Dam in Groton; provided further, that not less than \$500,000 shall be expended for repairs to the dam at Flint Pond in Tyngsborough; provided further, that not less than \$100,000 shall be expended for drainage for a culvert on Old Ferry Road to mitigate years of flooding on Frye road in town of Methuen; provided further, that not less than \$1,500,000 shall be expended for the construction of a dam at Van Horn Park in Springfield; provided further, that not less than \$2,000,000 shall be expended for repair and improvements to Saxton J. Foss Park in the city of Somerville; provided further, that not less than \$250,000 shall be expended for the design and repair of Newton Pond Dam in Shrewsbury; provided further, that not less than \$1,300,000 shall be expended for repairs to the Sheppard Pond Dam in Canton; provided further, that \$2,500,000 shall be expended to examine and implement proposed flood mitigation projects along the Aberjona River and Mystic Lakes in the Town of Winchester; provided further, that not less than \$3,350,000 be expended for phase II inspections and emergency repairs to the Notch reservoir and Mount Williams Reservoir Dams in the city of North Adams; provided further, that not less than \$2,500,000 shall be expended for repairs and renovations to the East Windsor Dam in the town of Dalton; provided further that not less than \$1,500,000 shall be expended for the Town Brook dams in Plymouth; provided further, that not less than \$48,000 shall be expended for repair of the

dam at Johnson's Pond in Raynham; provided further, that not less than \$1,900,000 shall be expended for the reconstruction of the Rexhame drainage system in Marshfield; provided further, that not less than \$2,000,000 shall be expended for reconstruction of the Granville Reservoir Dam; provided further, that not less than \$100,000 shall be expended for repairs, maintenance, and operation of Lake Maspenock Dam in Hopkinton; provided further, that not less than \$2,700,000 shall be expended for environmental restoration of Milford Pond in Milford; provided further, that not less than \$350,000 shall be expended for repair and stabilization of the Connecticut River Dike in Hatfield; provided further, that \$250,000 shall be expended for the ecosystem restoration project and dam removal on the Green River in the city of Greenfield; provided further, that \$100,000 shall be expended for dam repairs in Medway; provided further, that not less than \$250,000 shall be expended for repairs to Eagle Dam in the town of Wrentham; provided further, that not less than \$1,000,000 shall be provided to the city of Leominster for the design and reconstruction of the bank stabilization project adjacent to Slack Brook; provided further, that not less than \$80,000 shall be expended for a study of the Mirror Lake Dam at Coggshall Park in the city of Fitchburg; provided further, that \$800,000 shall be expended for design, repair and safety stabilization of the Connecticut river dike in the town of Hadley; provided further, that not less than \$500,000 shall be expended for the repair of the Jacobs Pond dam in the town of Norwell; provided further, that not less than \$150,000 shall be expended to the town of Shutesbury for repairs to the dam at Lake Wyola; provided further, that not less than \$250,000 shall be expended for design, permits, and inspections of Lake Wyola dam in Shutesbury; provided further, that not less than \$350,000 shall be expended for Town Creek Marsh Restoration and Flood Control in the vicinity of MBTA railroad line and Route 1 in the town of Salisbury; provided further, that not less than \$250,000 shall be expended for the design and construction of recreational fields in the town of Auburn; provided further, that not less than \$50,000 shall be expended for repair and reconstruction of Lawrence's Network of Community Gardens in the city of Lawrence; provided further, that not less than \$3,000,000 shall be expended for the repair and replacement of the Stoney Beach Sea Wall in the town of Hull; provided further, that not less than \$40,000 shall be expended for the purpose of providing matching funds for ADA compliant renovations to the Kid Spot Playground on Chestnut Street in the town of North Reading; provided further, that not less than \$350,000 shall be expended for the repair and reconstruction of the East Rodney French Boulevard Boat Ramp located in the city of New Bedford; provided further, that not less than \$300,000 shall be expended for the repair and reconstruction of the West Rodney French Boulevard Boat Ramp located in the city of New Bedford; provided further, that not less than

\$4,000,000 shall be expended for the repair and maintenance of the Godfrey Brook in the town of Milford; provided further, that not less than \$50,000 shall be expended for improvements and repairs to Unity Park in the town of Sutton; provided further, that not less than \$1,250,000 shall be expended for creating a neighborhood network of gardens and trails in the city of Lawrence; provided further, that not less than \$50,000 shall be expended for developing the Quaboag River Trail; provided further, that not less than \$500,000 shall be expended for repairs to the Manns Pond Dam in the Town of Sharon; provided further, that not less than \$100,000 shall be expended for engineering and repairs to municipally-owned dams in the town of Ashburnham; provided further, that not less than \$250,000 shall be expended for repairs to the Wayside Pond Dam in the city of Gardner; provided further, that \$500,000 shall be expended for drainage improvements on Frye Road in the City of Methuen; provided further, that \$9,000 shall be expended for the installation of drainage on the pathway leading from the Franklin School to the Berkeley Road neighborhood in the Town of North Andover; provided further, that not less than \$250,000 shall be expended for the repair of the canal wall of the John Whitin Pond sluiceway on Crown and Eagle Way; provided further, that not less than \$100,000 shall be expended for an asbestos sewer line clean-up in the town of Sutton; provided further, that not less than \$125,000 shall be expended for the implementation of a downtown sewer line in the town of Georgetown; provided further, that not less than \$400,000 shall be expended for an infiltration elimination program in Methuen; provided further, that not less than \$900,000 shall be expended for the restoration of the Bicentennial Trail at Wachusett Mountain State Park; and provided further, that not less than \$150,000 shall be expended for Developing the Spicket River Greenway in the city of Lawrence

56,000,0000

2800-7017 For the support of the protection and rehabilitation of the lakes and ponds and associated watersheds including, but not limited to, assistance and grant programs under sections 37A to 37D, inclusive, of chapter 21 of the General Laws; provided, that program activities shall include, but not be 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 and the provision of ongoing education to well drillers and others, coordination with the office of the state geologist, including associated costs; provided further, that not less than \$25,000 shall be expended for the pond restoration and pollution abatement study for Rawson hill brook and pond in the town of Shrewsbury; and provided further, that not less than

	\$100,000 shall be expended for the Town of Ashland for preservation, maintenance, and environmental protection of Lake Waushakum.....	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, stream gauges, basin studies and topical studies and other related hydrologic studies and activities	25,000,000
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; provided further, that not less than \$300,000 shall be expended for the Mystic River Master Plan	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, re-nourishment, erosion control and waterfront access and transportation improvements and related facilities and equipment; provided further, that \$3,000,000 shall be expended for the dredging of Plymouth Harbor; provided further, that not less than \$750,000 shall be expended for the dredging of the Fore River in the town of Braintree; provided further, that \$2,500,000 shall be expended for the costs of sand restoration and erosion control and prevention necessary for the protection of roadway and utility infrastructure on Plum island in the town of Newbury and the city of Newburyport; provided further, that not less than \$2,250,000 shall be expended for dredging of Hingham Harbor; provided further, that not less than \$600,000 shall be expended for the dredging of Morse’s Pond and related items in the town of Wellesley; provided further, that not less than \$1,500,000 shall be expended for the repair or replacement of the Seaview Avenue seawalls in the town of Oak Bluffs or the installation of a coastal dune system in lieu thereof; provided further, that not less than \$6,000,000 shall be expended for repair and restoration of the Point Allerton seawall in the town of Hull; provided further, that not less than \$100,000 shall be made available to the town of Newbury for either the direct acquisition, or to facilitate the intragovernmental transfer of, a Lighter, Amphibious, Resupply, Cargo (LARC LX) used to transport personnel, equipment, and materials in the beachfront area of Plum Island; provided further, that not less than \$1,000,000 shall be expended for jetty repairs, dredging work, and associated improvements to the Merrimack River; provided further, that not less than \$1,500,000 shall be expended for the rehabilitation and cleanup of Lake Massasoit in Springfield; and provided further, that not less than \$600,000 shall be expended for the dredging of Apponagansett Bay in the town of Dartmouth	22,250,000
2800-7098	For dredging projects in the Commonwealth’s coastal harbors and waterways, including those projects requiring a state or local match to partner with federally authorized projects.....	5,000,000
2840-7014	For the design, construction, reconstruction, removal, improvement or rehabilitation of department reservations,	

forests, parks, harbor islands, skating rinks, swimming pools, golf courses, tennis courts, basketball courts, playgrounds, other recreational facilities, beaches and related facilities, storage buildings, office buildings and other parks buildings 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; provided, that not more than \$1,250,000 shall be expended for restoration and reconstruction of the former superintendent's house at Wachusett Mountain State Park; provided further, that not more than \$6,300,000 shall be expended for maintenance, repairs, and construction at the Connors Pool in Waltham; provided further, that not less than \$2,000,000 shall be provided for the reconstruction of the Vernon Hill multi-depth swimming pool in the city of Worcester; provided further, that not less than \$2,100,000 shall be provided for the reconstruction of the Bennett Field multi-depth swimming pool in the city of Worcester; provided further, that \$40,000 shall be expended for the construction and maintenance of trails in the town of Bourne; provided further, that not less than \$100,000 shall be provided to the town of Lynnfield for the purposes of conducting an environmental impact study on flooding and drainage issues at Reedy Meadow that also impact the communities of Wakefield, Saugus and Lynn; provided further, that not less than \$15,000,000 be expended for the planning, design, and maintenance of bike paths, facilities and greenways for the bicycle recreating public; provided further, that not less than \$150,000 shall be expended for the construction and maintenance of walking trails, bike paths and sanitary facilities along the greenway surrounding Watson's Pond in the city of Taunton; provided further, that not less than \$50,000 shall be expended for the renovations to public parks in Spencer; provided further, that not more than \$150,000 be expended for renovations, repairs, or replacement at the Crosby Mansion and Cape House; provided further, that not less than \$50,000 shall be expended for improvements at Manning state forest in the town of Billerica; provided further, that not less than \$2,500,000 shall be expended for ice bed system replacement and HVAC and roof repairs at the Veterans' Memorial Hockey Rink in the city of Somerville; provided further, that not less than \$5,500,000 shall be expended for parking lot and road reconstruction at the Mount Wachusett state reservation; provided further, that not less than \$300,000 shall be expended for clean up, planning and design of a multi-use recreational field within or adjacent to the Blue Hills Reservation in the town of Canton; provided further, that \$3,405,000 shall be expended for improvements at Breakheart Reservation, including developing a master plan for the Breakheart Reservation area, rebuilding the barn as a green educational center, repairing the flume, adding playground equipment, covered picnic shelters, lifeguard chairs, a shuttle, a solar-powered circulator for Silver

Lake, and permanent bathrooms, a changing and first aid station, and concession building by Silver Lake, improving Bark Place, repairing fire equipment, improving public safety within the designated swimming areas, including those areas at Camp Nihan, and improvements at Camp Nihan, including insulating walls and replacing windows in cabins, replacing woodstoves, and adding a solar-powered circulator for Peckham Pond, energy-efficient heating in Sprague Lodge, refrigeration units, backup power, and a wind-powered 110-volt system; provided further, that that not less than \$1,000,000 shall be provided for the purpose of partially matching federal coastal wetland restoration projects within the Rumney Marshes Area of Critical Environmental Concern; provided further, that not less than \$6,000,000 shall be expended for acquisition of the East Boston Camp property in the town of Westford; provided further, that not less than \$1,000,000 shall be expended within the layout of the former Saugus Branch railroad, including developing a master plan, a multi-use trail, and the design and construction of park improvements on the Bacon property in Saugus; provided further, that that not less than \$250,000 shall be provided to develop an open space protection plan for the Saugus River and its tributaries, including studies to improve flood and storage capacity and to protect public water supplies; provided further, that not less than \$800,000 shall be expended for the waterfront restoration project in Watertown; provided further, that not less than \$1,000,000 shall be expended for athletic fields in Walpole; provided further, that not less than \$5,659,000 shall be expended for construction of a permanent ice skating rink in Jamaica Plain; provided further that not less than \$4,400,000 shall be expended for the construction and rehabilitation of the Melnea Cass rink and pool in Boston as an enclosed public roller-skating rink; provided further, that not less than \$10,000,000 shall be expended for enhancements to Horseneck Beach State Reservation, including construction and rehabilitation of the Horseneck Beach campgrounds and Gooseberry Island; provided further, that not less than \$2,500,000 shall be expended for restoration of and equipment for the Schooner Ernestina; provided further, that not less than \$500,000 shall be expended for the construction of a trail system connecting to Crane's beach in Ipswich; provided further, that \$1,600,000 shall be expended for the Salisbury Beach boardwalk; provided further, that not less than \$150,000 shall be expended for improvements to Smith Beach in the town of Braintree; provided further, that \$1,000,000 shall be expended for the Newburyport waterfront park; provided further, that \$2,800,000 shall be expended for the Newburyport boardwalk; provided further, that \$200,000 shall be expended for building repairs and the installation of an equipment shed at the Great Falls Discovery Center, provided further, that \$280,000 shall be expended for repairs to the 3 level observation deck and replacement of guard rails at

Mount Sugarloaf State Park; provided further, that not less than \$700,000 shall be expended for the Lowell Parks and Conservation Trust Concord River Greenway; provided further, that \$1,500,000 shall be expended for the rehabilitation and site improvements to the Brook Farm historic site in the West Roxbury section of the city of Boston; provided further, that \$2,000,000 shall be expended for the reconstruction, rehabilitation and site improvements of the Thompson Center in the Hyde Park section of the city of Boston; provided further, that not less than \$1,000,000 shall be expended for renovations at the Marine Park bathhouse in South Boston; provided further, that \$925,000 shall be expended for renovation and reconstruction of the Surf Drive Bath House and the Old Silver Beach Bath House in Falmouth; provided further, that not less than \$500,000 shall be expended for arsenic remediation at the Ledge road landfill in the town of Andover; provided further, that not less than \$10,000,000 shall be delivered to MassDevelopment to pay for costs and expenses associated with site assessment, asbestos and hazardous waste remediation, removal and abatement, demolition, renovation, infrastructure improvement, surveying, planning, construction, permitting, marketing and other site preparation at the former Belchertown State School property; provided further, that not less than \$1,000,000 shall be expended for the capital improvements to Lynn Heritage Park Visitors Center; provided further, that not less than \$250,000 shall be expended for the Steamline Trail wall repair project in the city of Fitchburg; provided further, that not less than \$150,000 shall be expended for the Crocker Field Restoration project in the city of Fitchburg; provided further, that \$4,000,000 shall be expended for Phase 1 of the improvement and redevelopment plan of the Three County Fairgrounds in the city of Northampton; provided further, that not less than \$350,000 shall be expended for renovations and construction at the Manning pool in the city of Brockton; provided further, that \$250,000 shall be expended for the planning and construction of a pavilion and amphitheatre at River Bend Farm Visitors' Center at the Blackstone River and Canal Heritage State Park; provided further, that \$250,000 shall be expended for planning and construction of the French River Greenway which traverses the communities of Dudley, Webster and Oxford; provided further, that not less than \$200,000 shall be expended for mechanical systems upgrades, including heating and air conditioning systems, to the Gardner Heritage State Park Visitors Center; provided further, that not less than \$1,000,000 shall be expended within the layout of the former Saugus Branch railroad, including developing a master plan, a multi-use trail, and the design and construction of park improvements on the so-called Bacon property in Saugus; provided further, that not less than \$50,000 shall be expended for a design study for bicycle accommodations on Hammond Pond Parkway in the city of Newton, and all areas appurtenant thereto; provided further, that not less than

\$75,000 shall be expended for a design study for bicycle/walking accommodations on a former railway right-of-way that connects the villages of Auburndale and Newton Lower Falls in the city of Newton, from the Auburndale Commuter Rail Station to the Riverside MBTA station along a rail trail to Wellesley Lower Falls and including the feasibility of reusing existing railroad bridges crossing route 128 and the Charles River along that right-of-way; provided further, that not less than \$173,000 shall be expended for a historical renovation of the New Salem Academy Building; provided further, that not less than \$918,000 shall be expended for the Quinebaug Rail Trail and bikeway along the former Providence and Worcester Railroad right-of-way through the towns of Southbridge, Dudley and Webster; provided further, that not less than \$4,000,000 shall be expended to create an upstream retention of storm water to reduce flooding in Jacobs Meadow and Cohasset Village in the town of Cohasset; provided further, that not less than \$75,000 shall be expended to increase the existing water supply capabilities of the Harold Parker Water Cistern in the town of Andover; provided further, that not less than \$275,000 shall be expended for the purpose of providing matching funds for the design, engineering, and construction of a boardwalk along the Ipswich River in the town of Reading; provided further, that not less than \$50,000 shall be expended for reclaiming and greening alleyways in the city of Lawrence; provided further, that not less than \$5,000,000 shall be expended for the rehabilitation and reconstruction of the Emmons Horrigan O'Neill Memorial Rink in the town of Charlestown; provided further, that not less than \$100,000 shall be expended for improvements to Thomson Field in the town of North Andover; provided further, that not less than \$200,000 shall be expended for the design and construction of a walking path connecting the upper part of the city of Methuen to the Lower portion near Searle's estate in the city of Methuen; provided further that not less than \$250,000 shall be expended for municipal dam repairs in the town of Foxborough; provided further, that not less than \$6,000,000 shall be expended for acquisition of the east Boston camps property in the town of Westford; provided further, that not less than \$250,000 shall be expended for the study and planning of a water system in the town of Charlton; provided further, that not less than \$1,300,000 shall be expended for the Union Crossing Storm Management Project in the city of Lawrence; provided further that up to \$15,000 shall be expended for an environmental baseline study on the property commonly known as the Otis Fish & Game Club located on the Massachusetts Military Reservation; provided further that up to \$2,500 shall be expended for an application fee to the United States Army Corps of Engineers on behalf of the Otis Fish & Game Club for license fee for usage of said property; provided further, that not less than \$2,893,000 shall be expended for a closure and redevelopment plan of the Hull landfill in the town of Hull; provided further, that not

less than \$500,000 be expended for a Heritage Park in the lower Millyard in the town of Amesbury; provided further, that not less than \$120,000 shall be expended for the development of comprehensive watershed hydrological studies and resulting watershed management plans for the Fish Brook, Pye Brook, and Parker River in the town of Boxford; provided further that not less than \$100,000 shall be expended for emergency repairs to the Grand Army of the Republic Monument on the Natick Common; provided further, that not less than \$300,000 shall be expended at Fort Phoenix State Reservation; provided further, that not less than \$1,000,000 shall be expended for the Riverwalk in the city of Lawrence; provided further, that not less than \$500,000 shall be expended for the creation of a Regional Sewer District Recharge Site in the town of Norton; provided further, that not less than \$100,000 shall be expended for the development of fields at the Cole Recreation Center; provided further, that not more than \$2,000,000 be expended for the construction and associated costs of a town wading pool at Buttery Brook Park in South Hadley in consideration of the Department of Conservation and Recreation's demolition of the state pool formerly located in the park; provided further, that not less than \$200,000 shall be expended for parking and access improvements to Mount Tom Reservation from newly acquired land on East Street in the City of Easthampton; provided further, that not less than \$600,000 shall be expended for the study, preliminary design, site preparation and associated costs of the Greylock Glen environmental center and outdoor amphitheater in the town of Adams; provided further, that not less than \$75,000 shall be expended for improvements and pond and beach reclaiming at Howe State Park; provided further, that not less than \$500,000 shall be expended for a matching grant for the restoration of the Holmes Field Park Pool and Recreation Area in the city of Worcester; provided further, that not less than \$500,000 shall be expended for the construction of a visitors and education center in the Freetown State Forest located in the town of Freetown; provided further, that not less than \$1,000,000 shall be expended for the conversion of the landfill on Mountain Street in the Town of Sharon to athletic fields; provided further, that not less than \$2,000,000 shall be expended for the maintenance and facility care of the Connell Rink and Pool located in the Town of Weymouth; provided further, that not less than \$650,000 shall be expended for improvements, expansion and rehabilitation of the State swimming pool in Blunt Park in Springfield; provided that not less than \$250,000 shall be expended for repairs and renovations to the Hall Memorial Swimming and Wading Pool in the Town of Stoneham; provided further, that not less than \$200,000 shall be expended for mechanical systems upgrades, including heating and air conditioning systems, to the Gardner Heritage State Park Visitors Center; provided further, that not less than \$200,000 shall be expended for Phase V acquisition, engineering and design for the North Central Pathway Project

in Gardner and Winchendon; provided further that not less than \$500,000 shall be expended for lights and security cameras for the bike path in the Connecticut River Bike Path from the South End to the North End in the city of Springfield; provided further that not less than \$250,000 shall be expended for lighting on Plainfield Street in Kenefick Park in the City of Springfield; provided further, that not less than \$1,500,000 shall be expended for the rehabilitation of the Springfield Riverfront Park; provided further that not less than \$3,500,000 shall be expended for the construction of phase two of the Mystic Valley Parkway in the town of Arlington; provided further, that not less than \$3,700,000 shall be expended for the Community Boating Facility Pier Construction Project; provided further, that not less than \$50,000 shall be expended to the Quincy Network for supporting environmental education and initiatives in the Quincy schools in the city of Quincy; provided further, that not less than \$250,000 shall be expended for improvements to Prospect Hill Park in Waltham; provided further, that not less than \$250,000 shall be expended for the extension of the Wayside Rail Trail in the city of Waltham; provided further, that not less than \$100,000 shall be expended for the maintenance and enhancement of Hardy pond in the city of Waltham; provided further, that not less than \$30,000 shall be expended for well-water installation at the Gile Road facility in Milton; provided further, that not less than \$250,000 shall be expended for athletic fields in Milton; provided further, that not less than \$250,000 shall be expended for repair and renovation for the Ulin Rink in Milton; provided further, that not less than \$1,166,500 shall be expended to Marion's Camp and the Mumford Riverwalk Recreation Project; provided further, that not less than \$250,000 shall be expended for the Bellingham Rail-to-Trail Bikeway; provided further, that not less than \$250,000 shall be expended to Marion's Camp and the Mumford Riverwalk Recreation Project; provided further, that not less than \$250,000 shall be expended to the Mumford Riverwalk Recreation Project; provided further, that not less than \$200,000 be expended for the renovation of Liberty Heights Park in the City of Springfield; provided further, that not less than \$1,000,000 shall be expended for erosion damage in Forest Park in the City of Springfield; provided further, that not less than \$1,000,000 shall be expended for the restoration and rehabilitation of existing structures at Hazelwood Park in the City of New Bedford; provided further, that not less than \$50,000 to the Waltham Land Trust for supporting environmental education and initiatives in the Waltham Schools in the City of Waltham; provided further, that not less than \$10,000 for the Waltham Garden Club for the purposes of environmental beautification project in the City of Waltham; provided further, that not less than \$150,000 shall be expended for renovations to Hayes Stadium in the town of North Andover; provided further, that not less than \$1,000,000 shall be expended for improvements to Houghton's Pond athletic fields; provided further, that

	not less than \$2,000,000 shall be expended for capital improvements to the Trailside Museum; provided further, that not less than \$1,000,000 shall be expended on rehabilitation to Palmer's Island Lighthouse	220,950,000
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; provided, that \$180,000 shall be provided for the installation of a biofilter system at the Woodland Street Pump Station in the town of West Boylston	30,000,000
	<i>Division of Energy Resources.</i>	
9300-7010	For the Leading by Example Program, so-called, to reduce greenhouse gas emissions and other environmental impacts at state agencies, authorities, and public colleges and universities; 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	2,500,000
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 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 item	13,250,000
	MASSACHUSETTS DEPARTMENT OF EDUCATION. <i>University of Massachusetts Amherst.</i>	
7100-0299	For the state geologist, provided, that funds from this item may be allocated for the purposes of leveraging additional federal funds to support bedrock, fracture, and geologic surface mapping, natural hazards mapping, and subsurface data preservation in support of the commonwealth's interest in gathering and disseminating geologic information; provided that funds from this item may also be used to support the dissemination of geologic information in digital form	2,500,000

1 SECTION 2B. To provide for a statewide program of improve-
2 ment and preservation of the transportation assets of the common-
3 wealth owned, managed, and maintained by the department of
4 conservation and recreation, the sums set forth in section 2C, for
5 the several purposes and subject to the conditions specified in that
6 section, are hereby made available, subject to the laws regulating
7 the disbursement of public funds, which sums are in addition to
8 amounts previously appropriated for these purposes.

1 SECTION 2C.

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

Department of Conservation and Recreation.

2890-7010 For the design, construction, reconstruction, repair, improve-
ment, 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; provided further, that all work
funded by this item shall be carried out according to stan-
dards developed by the department of conservation and
recreation pursuant to historic parkways preservation
treatment guidelines to protect the scenic and historic
integrity of the bridges and parkways under its control;
provided further, that not less than \$1,300,000 shall be
expended for sidewalk and drainage improvements to the
Lynn Fells Parkway in Saugus; provided further, that not
less than \$50,000 shall be expended for the repair of
streetlamps on the Mystic Valley Parkway; provided fur-
ther, that not less than \$420,000 shall be expended for
design and construction of a traffic light at the intersection
of Grove Street and Greenough Boulevard in Watertown;
provided further, that not less than \$900,000 shall be
expended to complete Phase I of Blue Hills Parkway
improvements; provided further that not less than \$50,000
shall be expended to re-establish and increase tidal flow
through the enlargement of the Parker Avenue-Border
Street culvert in the town of Cohasset; provided further,
that not less than \$400,000 shall be expended for
improvements at Hunnewell Field in the town of Natick;
provided further, that not less than \$50,000 shall be
expended for the schematic design phase of the Sustain-
able Building demonstration project for the Hitchcock
Center for the Environment in Western Massachusetts;
provided further, that not less than \$750,000 shall be
expended for the signalized intersection at Eliot Street and
Arborway in the city of Boston as provided for in the

Arborway Master Plan; provided further that not less than \$1,500,000 shall be expended for the monitoring, cleaning, maintenance, mitigation, and dredging of the Fellsmere Pond in the City of Malden; provided further that not less than \$4,000,000 shall be expended for the design and construction of a pedestrian bridge spanning the tracks at North Station along the southerly bank of the lower Charles River Basin in Boston; provided further, that not less than \$20,000 shall be expended for the “Friends of Wollaston Beach” for the environmental beautification and maintenance of Wollaston Beach in the City of Quincy; provided further that not less than \$100,000 shall be expended for improvements at Coolidge Field in Natick; provided further that not less than \$500,000 shall be expended for improvements to Sargent Field in Natick; provided further, that not less than \$5,000,000 shall be expended to repair and reconstruct the Nantasket beach seawall in the town of Hull; provided further, that not less than \$3,000,000 shall be expended for the maintenance, repairs, and reconstruction of seawalls in the towns of Scituate and Marshfield; and provided further, that not less than \$2,000,000 shall be expended for the restoration of the main access road in the Mount Tom State Reservation in Holyoke

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 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 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 final design of the bridges shall be subject to the review and approval of the commissioner of conservation and recreation; provided further, that notwithstanding this act or any other general or special law to the contrary, the Storrow Drive tunnel, as part of the Storrow Esplanade parkland in Boston, shall continue to be under the design control of the department of conservation and recreation, including compliance sections 61 to 62H, inclusive of chapter 30 of the General Laws.....

250,000,000

1 SECTION 3. Chapter 10 of the General Laws is hereby
2 amended by inserting after section 35HH the following section:—

3 Section 35II. (a) There shall be established the Salisbury
4 Beach Preservation Trust Fund to be used, without further appro-
5 priation, for the long-term preservation and maintenance of Salis-
6 bury Beach. Any balance in the fund at the end of the fiscal year
7 shall not revert to the General Fund, but shall remain available for
8 expenditure in subsequent fiscal years. No expenditure made from
9 the fund shall cause the fund to become deficient at any point
10 during a fiscal year.

11 (b) Notwithstanding any general or special law to the contrary,
12 the department of conservation and recreation shall impose a sur-
13 charge of \$2 upon each fee charged and collected from admission
14 into, camping, and parking in, the Salisbury Beach Reservation.
15 The additional monies collected from the surcharge shall be
16 deposited into the Salisbury Beach Preservation Trust Fund.

1 SECTION 4. Paragraph (1) of subsection (c) of section 22 of
2 chapter 21A of the General Laws, as appearing in section 7 of
3 chapter 169 of the acts of 2008, is hereby amended by striking out
4 clause (i) and inserting in place thereof the following clause:—

5 (i) to reimburse a municipality in which the property tax
6 receipts from a coal-fired electric generating station including, for
7 the purposes of this clause, payments in lieu of taxes and other
8 compensation specified in an agreement between a municipality
9 and an affected property owner, are reduced; provided, however
10 that the amount of the payment shall be the difference between the
11 amount of the property tax receipts, as described above, in fiscal
12 year 2008 and the amount of the property tax receipts, as
13 described above, in subsequent tax years; provided further, that no
14 reimbursement shall be made if, in a tax year, the aggregate
15 amount paid to a municipality by the owner of an electric gener-
16 ating station including, but not limited to, payments in lieu of
17 taxes and property taxes, exceeds the aggregate amount paid to
18 that municipality by that owner in fiscal year 2008; and provided
19 further, that payments from the fund shall be prioritized so that the
20 first payments from the fund shall be made to municipalities under
21 this clause.

1 SECTION 5. Section 6 of chapter 29C of the General Laws, as
2 appearing in the 2006 Official Edition, is hereby amended by
3 inserting after the words “cent”, in line 34, the following
4 words:—, but all permanent loans and other forms of financial
5 assistance made by the trust to finance the costs of certain water
6 pollution abatement projects on the department’s intended use
7 plan for calendar year 2009 to calendar year 2019, inclusive, that
8 meet the criteria listed below shall provide for a subsidy or other
9 assistance in the payment of debt service such that the loans and
10 other forms of financial assistance shall be the financial equiva-
11 lent of a loan made at a zero rate of interest, and the costs of water
12 pollution abatement projects on an intended use plan that are eli-
13 gible for a permanent loan or other financial assistance from the
14 trust at the financial equivalent of a loan made at a zero rate of
15 interest shall not exceed 35 per cent of the total costs of all water
16 pollution abatement projects on the intended use plan. Projects
17 that meet the following criteria, as verified by the department of
18 environmental protection, are eligible for the zero rate of interest
19 loans:

20 (1) the project is primarily intended to remediate or prevent
21 nutrient enrichment of a surface water body or a source of water
22 supply;

23 (2) the applicant is not currently subject, due a violation of a
24 nutrient-related total maximum daily load standard or other
25 nutrient based standard, to a department of environmental protec-
26 tion enforcement order, administrative consent order or unilateral
27 administrative order, enforcement action by the United States
28 Environmental Protection Agency or subject to a state or federal
29 court order relative to the proposed project;

30 (3) the applicant has a Comprehensive Wastewater Manage-
31 ment Plan approved pursuant to regulations adopted by the
32 Department of Environmental Protection;

33 (4) the project has been deemed consistent with the regional
34 water resources management plans if one exists;

35 (5) the applicant has adopted land use controls, subject to the
36 review and approval of the department of environmental protec-
37 tion in consultation with the department of housing and economic
38 development and, where applicable any regional land use regula-

39 tory entity, intended to limit wastewater flows to the amount
40 authorized under zoning and wastewater regulations as of the date
41 of the approval of the CWMP.

1 SECTION 6. Section 14 of chapter 61A of the General Laws,
2 as appearing in the 2006 Official Edition, is hereby amended by
3 striking out, in line 11, the words “forest use of” and inserting in
4 place thereof the following words:— agricultural or horticultural
5 use of such.

1 SECTION 7. Section 9 of chapter 61B of the General Laws, as
2 so appearing, is hereby amended by striking out, in line 11, the
3 words “forest use of such land” and inserting in place thereof the
4 following words:— use and care of such land for recreational pur-
5 poses.

1 SECTION 8. Section 6 of chapter 62 of the General Laws is
2 hereby amended by adding the following subsection:—

3 (o)(1) As used in this subsection, the following words shall
4 have the following meanings:—

5 “Bargain sale”, the sale of an interest in real property by a tax-
6 payer at a cost below appraised market value, when a portion of
7 the value of the interest in real property is a qualified donation, as
8 such term is defined herein and which meets the requirements of
9 section 1011(b) of the Internal Revenue Code of 1986, as
10 amended.

11 “Certified land”, an interest in real property, the donation or
12 bargain sale of which has first been determined by the secretary of
13 environmental affairs to be in the public interest for natural
14 resource protection including, but not limited to, drinking water
15 supplies, wildlife habitat and biological diversity, agricultural and
16 forestry production, recreational opportunities, or scenic and cul-
17 tural values; provided, however, that the secretary of environ-
18 mental affairs shall assure that all certified lands are protected in
19 perpetuity.

20 “Interest in real property”, any right in real property in the
21 commonwealth, with or without improvements thereon, or water
22 including, but not limited to, fee simple, life estate, restriction,

23 easement, covenant, condition, partial interest, remainder, future
24 interest, lease, license, mineral right, riparian right or other
25 interest or right in real property that may be conveyed concerning
26 the power to transfer property.

27 “Public or private conservation agency”, the commonwealth, or
28 any subdivision thereof, or any municipality, or private nonprofit
29 corporation organized for the purposes of land conservation,
30 which is authorized to do business in the commonwealth, and
31 which has tax-exempt status as a nonprofit charitable organization
32 as described in Section 501(c)(3) of the Internal Revenue Code of
33 1986, as amended.

34 “Qualified donation,” a donation, or the donated portion of a
35 bargain sale, made in perpetuity of a fee interest in real property
36 or a less-than-fee interest in real property, including a conserva-
37 tion restriction, agricultural preservation restriction or watershed
38 preservation restriction, pursuant to chapter 184, provided that
39 such less-than-fee interest meets the requirements of qualified
40 conservation contributions under section 170(h) of the Internal
41 Revenue Code of 1986.

42 “Taxpayer,” a taxpayer subject to the income tax under this
43 chapter.

44 (2) A taxpayer making a qualified donation of certified land to
45 a public or private conservation agency shall be allowed a credit
46 against the taxes imposed by this chapter. The credit shall be
47 equal to 50 per cent of the fair market value of the qualified dona-
48 tion. The amount of the credit that may be claimed by a taxpayer
49 for each qualified donation shall not exceed \$50,000.

50 (3) The fair market value of certified land shall be substantiated
51 by a qualified appraisal, as defined in United States Treasury Reg-
52 ulation section 1.170A-13(c)(3), and shall be prepared by a quali-
53 fied appraiser, as defined in United States Treasury Regulation
54 section 1.170A-13(c)(5). For any taxpayer to qualify for the credit
55 provided for in subdivision (2), the taxpayer shall at the same time
56 that the taxpayer files a return for the taxable year in which the
57 credit is claimed, file with the department a summary of a quali-
58 fied appraisal or, if requested by said department, the taxpayer
59 shall submit the appraisal itself.

60 (4) In any one tax year, the credit used may not exceed the
61 amount of tax liability otherwise owed by the taxpayer. The tax

62 credit shall be taken against the taxes imposed under this chapter
63 and shall not be refundable. Any amount of the credit that exceeds
64 the tax due for a taxable year may be carried forward by the tax-
65 payer to any of the 10 subsequent tax years.

66 (5) All or any tax credits issued in accordance with this section
67 may be in addition to any charitable deductions claimed on the
68 taxpayer's federal income tax return for the same qualified dona-
69 tions of certified lands.

70 (6) Any taxpayer claiming a state income tax or excise tax
71 credit under this section may not claim an additional state income
72 tax credit or deduction during any one tax year for costs related to
73 the same interest in certified lands.

74 (7) Any tax credits which arise under this section from the
75 qualified donation of certified land by a pass-through tax entity
76 such as a trust, estate, partnership, corporation, limited partner-
77 ship, limited liability partnership, limited liability corporation,
78 subchapter S organization, or other fiduciary, shall be used either
79 by such entity in the event it is the taxpayer on behalf of such
80 entity or by the member, partner, shareholder, or beneficiary, as
81 the case may be, in proportion to its interest in such entity in the
82 event that income, deductions, and tax liability passes through
83 such entity to such member, partner, shareholder, or beneficiary.
84 Such tax credits may not be claimed by both the entity and the
85 member, partner, shareholder, or beneficiary, for the same con-
86 veyance.

87 (8) Any tax credits which arise under this chapter from the
88 qualified donations of certified land by a married couple shall be
89 used only if the spouses file a joint return, if both spouses are
90 required to file Massachusetts income tax returns. If only one
91 spouse is required to file a Massachusetts income tax return, that
92 spouse may claim the credit allowed by this chapter on a separate
93 return.

1 SECTION 9. Chapter 63 of the General Laws, as appearing in
2 the 2006 Official Edition is hereby amended by inserting after
3 section 38W the following section:—

4 Section 38X. (a) As used in this section, the following words
5 shall have the following meanings:—

6 “Bargain sale”, the sale of an interest in real property by a tax-
7 payer at a cost below appraised market value, when a portion of
8 the value of the interest in real property is a qualified donation, as
9 such terms are defined herein, and which meets the requirements
10 of section 1011(b) of the Internal Revenue Code of 1986, as
11 amended.

12 “Certified land”, an interest in real property, the donation or
13 bargain sale of which has first been determined by the secretary of
14 environmental affairs to be in the public interest for natural
15 resource protection including, but not limited to, drinking water
16 supplies, wildlife habitat and biological diversity, agricultural and
17 forestry production, recreational opportunities or scenic and cul-
18 tural values; provided, however, that the secretary of environ-
19 mental affairs shall assure that all certified lands are protected in
20 perpetuity.

21 “Interest in real property”, any right in real property in the
22 commonwealth, with or without improvements thereon, or water,
23 including, but not limited to, fee simple, life estate, restriction,
24 easement, covenant, condition, partial interest, remainder, future
25 interest, lease, license, mineral right, riparian right, or other
26 interest or right in real property that may be conveyed concerning
27 the power to transfer property.

28 “Public or private conservation agency,” the commonwealth, or
29 any subdivision thereof, or any municipality, or private nonprofit
30 corporation organized for the purposes of land conservation,
31 which is authorized to do business in the commonwealth, and
32 which has tax-exempt status as a nonprofit charitable organization
33 as described in section 501(c)(3) of the Internal Revenue Code of
34 1986, as amended.

35 “Qualified donation,” a donation, or the donated portion of a
36 bargain sale, made in perpetuity of a fee interest in real property
37 or a less-than-fee interest in real property, including a conserva-
38 tion restriction, agricultural preservation restriction or watershed
39 preservation restriction, pursuant to chapter 184, provided that
40 such less-than-fee interest meets the requirements of qualified
41 conservation contributions under section 170(h) of the Internal
42 Revenue Code of 1986.

43 “Taxpayer,” a taxpayer subject to the income tax under this
44 chapter.

45 (b) A taxpayer making a qualified donation of certified land to
46 a public or private conservation agency shall be allowed a credit
47 against the taxes imposed by this chapter. The credit shall be
48 equal to 50 percent of the fair market value of the qualified dona-
49 tion. The amount of the credit that may be claimed by a taxpayer
50 for each qualified donation shall not exceed fifty thousand dollars.

51 (c) The fair market value of certified land shall be substantiated
52 by a qualified appraisal, as defined in United States Treasury Reg-
53 ulation section 1.170A-13(c)(3), and shall be prepared by a Quali-
54 fied Appraiser, as defined in United States Treasury Regulation
55 section 1.170A-13(c)(5). For any taxpayer to qualify for the
56 credit provided for in subsection (b) of this section, the taxpayer
57 shall at the same time as the taxpayer files a return for the taxable
58 year in which the credit is claimed, file with the department a
59 summary of a qualified appraisal or, if requested by said depart-
60 ment, the taxpayer shall submit the appraisal itself.

61 (d) In any one tax year the credit used may not exceed the
62 amount of tax liability otherwise owed by the taxpayer. The tax
63 credit shall be taken against the taxes imposed under this chapter
64 and shall not be refundable. Any amount of the credit that exceeds
65 the tax due for a taxable year may be carried forward by the tax-
66 payer to any of the 10 subsequent taxable years.

67 (e) Any tax credits issued in accordance with this section may
68 be in addition to any charitable deductions claimed on the tax-
69 payer's federal income tax return for the same qualified donations
70 of certified lands.

71 (f) Any taxpayer claiming a state income tax or excise tax
72 credit under this section may not claim an additional state income
73 tax credit or deduction during any one tax year for costs related to
74 the same interest in certified lands.

75 (g) Any tax credits which arise under this section from the
76 qualified donation of certified land by a pass-through tax entity
77 such as a trust, estate, partnership, corporation, limited partner-
78 ship, limited liability partnership, limited liability corporation,
79 subchapter S organization, or other fiduciary, shall be used either
80 by such entity in the event it is the taxpayer on behalf of such
81 entity or by the member, partner, shareholder, or beneficiary, as
82 the case may be, in proportion to its interest in such entity in the
83 event that income, deductions, and tax liability passes through

84 such entity to such member, partner, shareholder, or beneficiary.
85 Such tax credits may not be claimed by both the entity and the
86 member, partner, shareholder, or beneficiary, for the same con-
87 veyance.

1 SECTION 10. Chapter 83 of the General Laws is hereby
2 amended by inserting after section 1 the following 8 sections:—

3 Section 1A. Notwithstanding the provisions of sections 1 and 3
4 to the contrary, any municipality or sewer district adopting this
5 section is hereby authorized to lay out, construct, maintain and
6 operate a system or systems of common sewers and main drains in
7 public or private ways for that part of its territory as it adjudges
8 necessary to reduce or eliminate the impacts of nutrient enrich-
9 ment on surface water bodies or sources of drinking water with
10 such connections and other works as may be required for a system
11 or systems of sewerage and drainage, and sewage treatment and
12 disposal. Adoption of this section is subject to majority vote of the
13 municipality and subject further to said municipality having an
14 approved Comprehensive Water Resources Management Plan
15 (CWMP), as defined by the Department of Environmental Protec-
16 tion (DEP).

17 Section 1B. At the commencement of operation of the munici-
18 palities' sewer system authorized by section 1A of chapter 83 of
19 the General Laws, the owner of land abutting upon a private or
20 public way in which a common sewer has been laid shall be
21 required by the board or officer having charge of the maintenance
22 and repair of sewers to connect such land with a common sewer
23 only if the land in question is within the area(s) identified in the
24 department of environmental protection-approved CWMP and has
25 been specifically identified in the plan as requiring wastewater
26 collection and treatment for flows in existence on said properties
27 at the time of adoption of this act in order to protect surface
28 waters or drinking water resources from the effects of nutrient
29 enrichment; or the on-site subsurface sewage disposal system
30 serving said land fails to comply with the provisions of 310 CMR
31 15.000, et seq. and an on-site subsurface sewage disposal system
32 cannot be constructed on the property in compliance with said
33 regulations and an enhanced treatment system under remedial use
34 cannot be designed and constructed to adequately treat sewage

35 from said property; or to service housing of which at least 15 per
36 cent of the housing units are deed restricted to residents with
37 incomes no greater than 80 per cent of the area median income
38 paying no more than 30 per cent of their income towards housing.
39 The town shall not allow an abutting property owner utilizing an
40 enhanced treatment system under remedial use to opt out of con-
41 necting to the sewer system unless the town implements a moni-
42 toring and inspection plan approved by the department of
43 environmental protection for such remedial system or systems.
44 Such plan may include the assessment of a reasonable fee by the
45 board of health to implement the monitoring and inspection plan.

46 Notwithstanding any provision of sections 1 and 3 to the con-
47 trary, owners of land not identified in the CWMP as needing to be
48 connected to the municipal treatment works shall not be permitted
49 to connect to the sewer system. Said plan may be amended from
50 time to time by the board or officer having charge of sewers, after
51 a public hearing conducted to consider such amendment, and upon
52 approval of the department of environmental protection. The
53 board or officer having charge of sewers shall adopt regulations
54 within 120 days after the adoption of this act establishing publica-
55 tion and notification procedures to carry out the purposes of this
56 section.

57 Section 1C. After commencement of operations of the sewer
58 system authorized pursuant to section 1A, additional connections
59 shall be permitted within the final area of concern by such board
60 or officer having charge of the maintenance and repair of sewers,
61 subject to available capacity, only upon certification by the board
62 of health that the on-site subsurface sewage disposal system on
63 land abutting upon a private or public way in which a common
64 sewer has been laid cannot comply with the provisions of 310
65 CMR 15.000, et seq., or in the case of new construction, expan-
66 sion of an existing structure, a change in use, or increases in flow
67 from said land, such expansion, change in use, or increase in flow
68 does not result in sewage flow in excess of the amount of said reg-
69 ulations flow capacity or actual flow resulting from a legal use of
70 said land, whichever is greater, which existed on the date of adop-
71 tion of this act as determined by the board of health. Notwith-
72 standing anything to the contrary contained herein, the board or

73 officer having charge of the maintenance and repair of sewers may
74 at any time permit extensions, new connections or increases in
75 flow to the sewer system, subject to capacity, to serve municipal
76 buildings, public restrooms, or other public service uses, including
77 but not limited to housing of which at least 15 per cent of the
78 housing units are deed restricted to residents with incomes no
79 greater than 80 per cent of the area median income paying no
80 more than 30 per cent of their income towards housing.

81 Section 1D. Notwithstanding the provisions of chapters 80 and
82 83 to the contrary, a municipality acting under section 1A may
83 make assessments upon owners of land abutting upon a private or
84 public way in which a common sewer has been laid only at the
85 time of actual connection to the common sewer. Nothing herein
86 shall preclude the town from making estimated sewer assessments
87 pursuant to section 15B. The municipality may make equitable
88 adjustments to the annual charges established pursuant to
89 section 16 for the use of common sewers by owners of land who
90 connect under this act for the purpose of insuring an equitable dis-
91 tribution of the total sewer system costs, including assessments
92 and sewer use charges.

93 Section 1E. Every decision by the board or officer having
94 charge of sewers permitting or denying a connection to the sewer
95 system pursuant to sections 1A to 1D, inclusive shall be made in
96 writing. Any person aggrieved by such a decision may appeal said
97 decision within 30 days of issuance pursuant to the provisions of
98 section 14 of chapter 30A.

99 Section 1F. In carrying out the provisions of sections 1A to 1E,
100 inclusive, a municipality shall not discriminate against any person
101 on the grounds of race, color, marital status, physical disability,
102 age, sex, sexual orientation, religion, ancestry or national origin in
103 any manner prohibited by federal or state law.

104 Section 1G. Notwithstanding the provisions of any general or
105 special law to the contrary, a municipality with a comprehensive
106 water resources management plan under review or approved by
107 the department of environmental protection may establish and
108 maintain a separate account into which it may collect and deposit
109 and expend funds from property owners for the difference in cost
110 between a conventional subsurface wastewater disposal system as

111 required in 310 CMR 15.00, et seq, and the cost of a subsurface
112 wastewater disposal system designed to reduce the nitrogen dis-
113 charge from said system as long as the property in question is
114 identified in the CWMP as being a priority for the installation of a
115 wastewater collection and treatment system for the purposes of
116 reducing the impacts of excessive nitrogen on marine waters and
117 drinking water supplies. Funds from this account may be used
118 only for the purpose of the construction, maintenance and opera-
119 tion of said wastewater treatment and collection works and shall
120 be applied to toward the costs of connection and or betterment
121 assessed to the property(s) in question.

122 Section 1H. Notwithstanding section 7 of chapter 44, a municipi-
123 tality or sewer district adopting section 1A may borrow and
124 assess betterments for a term not to exceed 50 years or the useful
125 life as approved by the department of environmental protection,
126 whichever is shorter, for the construction its wastewater treatment
127 systems and conveyances determined; and provided further that
128 short term borrowing may extend for a period not to exceed 5
129 years.

1 SECTION 11. Chapter 94B of the General Laws is hereby
2 amended by adding the following section:—

3 Section 23. (a) For the purposes of this section the term “chil-
4 dren’s leaded jewelry”, shall mean jewelry marketed to or
5 intended for use by children 12 years of age or younger that con-
6 tains a concentration of lead that has more than 600 parts per mil-
7 lion total lead content as of June 1, 2009, more than 300 parts per
8 million total lead content as of June 1, 2010 and 100 parts per mil-
9 lion total lead content as of June 1, 2012 as determined by the
10 United States Consumer Product Safety Commission's, hereinafter
11 referred to as “CPSC”, screening test for total lead analysis based
12 on the Canada Product Safety Bureau Method or similar methods
13 subject to approval by the department, or would expose a child to
14 greater than 90 micrograms of lead per day over a chronic expo-
15 sure period as determined by the CPSC acid extraction test. Chil-
16 dren’s leaded jewelry includes jewelry manufactured, shipped, or
17 sold at retail or wholesale, indoors or outdoors, over the internet
18 or through catalogs, and includes but is not limited to jewelry (1)
19 sold in: (i) vending machines, (ii) toy stores or (iii) toy displays,

20 toy departments or toy sections or (2) that may use images or oth-
21 erwise be designed or packaged to be especially attractive to chil-
22 dren.

23 (b) The commissioner shall treat any children's leaded jewelry
24 as a banned hazardous substance under this chapter.

25 (c) Wholesalers and retailers of children's jewelry shall main-
26 tain documentation that such jewelry has been tested using the
27 CPSC lead screening test and the CPSC acid extraction test or
28 similar methods subject to approval by the department. The docu-
29 mentation shall be in the format and contain information required
30 by protocols established by the department, and shall be made
31 available to the department and consumers upon request.

32 (d) The commissioner shall promulgate rules and regulations to
33 carry out the purposes of this section or to facilitate compliance
34 therewith. Except for emergency regulations adopted pursuant to
35 section 2 of chapter 30A, any regulation, as defined in section 1 of
36 said chapter 30A, or any amendment or repeal of any such regula-
37 tion adopted by the commissioner pursuant to this section, shall,
38 after compliance with all applicable provisions of said
39 chapter 30A, except section 5, be submitted to the general court.
40 Said commissioner shall file the proposed regulation, amendment
41 or repeal with the clerk of the house of representatives, together
42 with a statement that the pertinent provisions of said chapter 30A,
43 except section 5 have been complied with. The clerk of the house
44 of representatives, with the approval of the president of the senate
45 and the speaker of the house of representatives, shall refer such
46 regulations to the joint committee on consumer protection and
47 professional licensure. Within 30 days after such referral, said
48 committee may hold a public hearing on the regulations and shall
49 issue a report to said commissioner. Said report shall contain any
50 proposed changes to the regulations voted upon by the committee.
51 The commissioner shall review said report and shall adopt final
52 regulations as deemed appropriate in view of said report and shall
53 file with the chairmen of said consumer protection and profes-
54 sional licensure its final regulations. If the final regulations do
55 not contain the changes proposed by the committee, the commis-
56 sioner shall send a letter to the committee accompanying the final
57 regulations stating the reasons why such proposed changes were
58 not adopted. Not earlier than 45 days after the filing of such letter

59 and final regulations with the said committee, said commissioner
60 shall file the final regulations with the state secretary as provided
61 in section 5 of said chapter 30A and said regulations shall there-
62 upon take effect. If no such proposed changes to the regulations
63 are made to the commissioner within 60 days of the initial filing
64 of the proposed regulation or any amendment or a repeal of such
65 regulation with the clerk of the house of representatives, the com-
66 missioner may file the final regulations with the state secretary as
67 provided in section 5 of said chapter 30A and said regulations
68 shall thereupon take effect.

1 SECTION 12. Paragraph (a) of section 12 of chapter 372 of the
2 acts of 1984, is hereby amended by striking out the fifth sentence,
3 as appearing in section 62 of chapter 139 of the acts of 2006, and
4 inserting in place thereof the following sentence:— The aggregate
5 principal amount of all bonds issued under this act shall not
6 exceed \$6,450,000,000 outstanding at any 1 time; provided, how-
7 ever, that bonds for the payment of redemption of which, either at
8 or prior to maturity, refunding bonds shall have been issued shall
9 be excluded in the computation of outstanding bonds.

1 SECTION 13. Section 16 of said chapter 372 is hereby
2 amended by striking out the fourth sentence, as appearing in
3 section 63 of said chapter 139, and inserting in place thereof the
4 following sentence:— The aggregate principal amount of all
5 bonds issued under this act shall not exceed \$6,450,000,000 out-
6 standing at any 1 time; provided, however, that bonds for the pay-
7 ment of redemption of which, either at or prior to maturity,
8 refunding bonds shall have been issued shall be excluded in the
9 computation of outstanding bonds.

1 SECTION 14. Section 44 of chapter 85 of the acts of 1994, as
2 most recently amended by section 19 of chapter 236 of the acts of
3 2002, is hereby further amended by inserting after the word
4 “reservation”, in line 45, the following words:— , CCC Camp in
5 Upton state forest.

1 SECTION 15. To meet the expenditures necessary in carrying
2 out section 2A, the state treasurer shall, upon request of the gov-

3 error, issue and sell bonds of the commonwealth, in an amount to
4 be specified by the governor from time to time, but not exceeding,
5 in the aggregate, the sum of \$1,431,301,330. All bonds issued by
6 the commonwealth, as aforesaid, shall be designated on their face,
7 Preservation and Improvement of Environmental Assets Loan Act
8 of 2008, and shall be issued for a maximum terms of years, not
9 exceeding 30 years, that the governor may recommend to the
10 general court under section 3 of Article LXII of the Amendments
11 to the Constitution. All these bonds shall be payable not later than
12 June 30, 2043. All interest and payments on account of principal
13 of these obligations shall be payable from the General Fund unless
14 otherwise specified. Bonds and interest on bonds issued under the
15 authority of this section, notwithstanding any other provision of
16 this act, shall be general obligations of the commonwealth.

1 SECTION 16. To meet the expenditures necessary in carrying
2 out section 2C, the state treasurer shall, upon request of the gov-
3 ernor, issue and sell bonds of the commonwealth in an amount to
4 be specified by the governor from time to time, but not exceeding,
5 in the aggregate, the sum of \$325,000,000. All bonds issued by
6 the commonwealth, as aforesaid, shall be designated on their face,
7 Environmental Transportation Assets Loan Act of 2008 and shall
8 be issued for a maximum term of years, not to exceed 30 years,
9 which the governor may recommend to the general court under
10 section 3 of Article LXII of the Amendments to the Constitution.
11 All these bonds shall be payable not later than June 30, 2043. All
12 interest and payments on account of principal of these obligations
13 shall be payable from the General Fund unless otherwise speci-
14 fied. Bonds and interest on bonds issued under the authority of
15 this section, notwithstanding any other provision of this act, shall
16 be general obligations of the commonwealth.

1 SECTION 17. Each agency acquiring land or an interest in land
2 under section 2A may expend an amount not to exceed 5 per cent
3 of the amount appropriated to that agency in section 2A for the
4 purpose of reimbursing nonprofit land conservation organizations
5 or land trusts for reasonable expenses directly associated with the
6 acquisition of land or interests in land subsequently conveyed to
7 the commonwealth. Reimbursements shall be made at the discre-

8 tion of the agency. The secretary of energy and environmental
9 affairs shall determine by regulation what shall constitute reason-
10 able expenses. If the commonwealth does not take title to the
11 property through no fault of the nonprofit organization or the
12 commonwealth, the commonwealth may reimburse the nonprofit
13 organization for reasonable expenses associated with due dili-
14 gence. An organization receiving a reimbursement under this
15 section shall convey the land or interest in land to the agency for
16 an amount not to exceed the actual purchase price paid by the
17 organization for the land or interest in land in addition to any
18 reimbursement received under this section.

1 SECTION 18. No amounts authorized in section 2A shall be
2 used by a recipient municipality for the supplementing or sup-
3 planting of normal operating expenses of any function of the
4 municipality.

1 SECTION 19. Notwithstanding any general or special law to
2 the contrary, funds may be expended for services rendered by
3 agency employees or by consultants necessary to support projects
4 authorized in section 2A and section 2C.

1 SECTION 20. Notwithstanding any general or special law to
2 the contrary, upon acquiring any fee interest in land for purposes
3 within Article XCVII of the Amendments to the Constitution, all
4 state agencies, commissions and boards expending or receiving
5 state funds under this act shall obtain the approval of the secretary
6 of energy and environmental affairs before implementing or
7 endorsing any prohibition of fishing, hunting or trapping on that
8 land and shall provide the secretary with written justification of
9 the prohibition.

1 SECTION 21. Notwithstanding section 30 of chapter 29 of the
2 General Laws or section 65 of chapter 30 of the General Laws, a
3 portion of the funds authorized in section 2A may be used for the
4 costs associated with the purchase of title insurance and services
5 for title examinations, reports and certifications.

1 SECTION 22. All expenditures from items in section 2A
2 authorized as grants to non-public entities shall be expended for
3 public purposes and shall comply with Article 103 of the Amend-
4 ments to the Constitution and 815 CMR 2.00.

1 SECTION 23. Notwithstanding any general or special law to
2 the contrary, the unexpended and unencumbered balances of the
3 bond funded authorizations in the following accounts shall cease
4 to be available for expenditure: 2240-9101, 2240-9105, 2240-
5 9106, 2240-9107, 2890-0012, 2250-8881, 2260-9882, 2820-7882,
6 2820-8881, 2820-8882, 2820-8883, 2840-8886, 2840-8889, 2890-
7 0013, 2890-0014, 2890-0015, 2890-0016, 2820-8936, 2800-0950,
8 2800-0951, 2800-0952, 2820-8951, 2840-8950, 2840-8952, 2840-
9 8956, 2850-9951, 2890-0017, 2890-0019, 2260-9965, 2895-8968,
10 2000-7968, 2000-9963, 2250-9959, 2300-7967, 2300-8961, 2300-
11 8970, 2320-8960, 2320-8978, 2800-1961, 2820-8960, 2820-8961,
12 2840-8963, 2840-8965, 2850-6966, 2850-6967, 2850-9969, 2896-
13 8967, 2820-6996, 2840-9990, 2895-8998, 2000-1997, 2000-7992,
14 2000-7993, 2300-7991, 2300-7992, 2800-1122, 2800-7991, 2800-
15 7992, 2800-7993, 2800-7994, 2820-1420, 2840-7991, 2840-7992,
16 2840-7993, 2840-7994.

1 SECTION 24. The division of marine fisheries shall make
2 expenditures provided for in item 2300-7018 of section 2A of this
3 act for a shore-based monitoring program of federally-managed
4 fisheries for herring and mackerel within the commonwealth in
5 accordance with this section.

6 The division shall make such expenditures and operate the pro-
7 gram under the direction of an oversight committee, which shall
8 consist of the 9 members of the marine fisheries advisory commis-
9 sion and 1 additional member who shall be a chairperson
10 appointed by the secretary of environmental affairs. The division
11 shall report annually to the oversight committee on program per-
12 formance and expenditures.

13 All vessels in federally-managed herring and mackerel fisheries
14 landing catch in the commonwealth shall offload the catch only
15 under the supervision of certified shore-based fishery observers
16 who are either commonwealth employees or independent third-

17 party contractors, who will ensure that, at minimum, the following
18 data are collected, recorded, and made available to the public in
19 summarized fashion within 48 hours in an easily understood
20 format that is consistent with national marine fisheries service
21 requirements for the protection of individual vessel and dealer pri-
22 vacy: 1) actual weights of all landed target catch, incidental catch
23 and bycatch, using methods approved by the division of standards;
24 and 2) a breakdown, by species, of the composition of the entire
25 landed catch by actual weight, landed catch to include all fish
26 offloaded whether or not retained for processing. The observers
27 shall also file an annual report summarizing the catch data for the
28 previous year.

29 For the purposes of this section, a certified shore-based fishery
30 observer means someone who has been certified by the common-
31 wealth or the national marine fisheries service under the observer
32 certification guidelines outlined in 50 CFR Part 648.11, or the
33 equivalent as approved by the program oversight committee, and
34 who has no financial interest related to any small mesh pelagic
35 fishery.

1 SECTION 25. (a) Notwithstanding sections 40E to 40J, inclu-
2 sive of chapter 7 of the General Laws and any general or special
3 law to the contrary, the commissioner of capital asset management
4 and maintenance, in consultation with the commissioner of con-
5 servation and recreation, may grant to the city of Lowell or
6 release such real property interests owned by the commonwealth
7 as may be necessary to permit the city of Lowell to acquire fee
8 interests, easements or other rights for an overhead bridge, pedes-
9 trian and vehicular bridges, utility services, and public highway
10 purposes in, over and to certain parcels of land within the Lowell
11 Heritage State Park. Such real property interests are currently in
12 the care and control of the division of conservation and recreation
13 and are held for recreation and conservation purposes. Fee inter-
14 ests and easements granted to the city and releases of real property
15 interests may be located within such volumetric areas in the air
16 rights above, and the subsurface areas below, such parcels of land
17 as are necessary for such purposes. Such fee interests and ease-
18 ments may also include the right to displace the water in the
19 canals within such parcels to install bridge supports and access for

20 the maintenance, repair and replacement of the bridges and utility
21 services. The areas and volumes of such fee interests, easements
22 or releases shall be substantially as shown on a plan entitled
23 “Easement Plan of Land Located in Lowell, Massachusetts (Mid-
24 dlesex County)” dated June 5, 2008, prepared by Meridian Asso-
25 ciates, Inc. (Sheets 1 and 2). The fee interests, easements or
26 releases are further described in subparagraphs (1) to (4), inclu-
27 sive.

28 (1) Fee interests, easements or releases of interests held by the
29 department of conservation and recreation in parcels A-1, A-2,
30 A-3, A-4, B-1 and B-2 may be granted for the purpose of con-
31 structing, renovating and maintaining pedestrian and vehicular
32 access bridges and utility services, and other public highway pur-
33 poses over the Lower Pawtucket Canal.

34 (2) Fee interests, easements or releases of interests held by the
35 department of conservation and recreation in Parcels E-1, E-2,
36 F-1, F-2 and F-3 may be granted for the purpose of constructing,
37 renovating and maintaining pedestrian and vehicular access
38 bridges and utility services, and other public highway purposes
39 over the Hamilton Canal.

40 (3) Fee interests, easements or releases of interests held by the
41 department of conservation and recreation in Parcels C-1, C-2,
42 G-1 and G-2 may be granted for the purpose of constructing, reno-
43 vating and maintaining pedestrian access structures and utility
44 services and to provide public access from Jackson Street to the
45 Appelton Mills Building.

46 (4) Fee interests, easements or releases of interests held by the
47 department of conservation and recreation in Parcels D-1 and D-2
48 may be granted for the purpose of renovating and maintaining an
49 existing overhead bridge from the Appleton Mills Building over
50 Jackson Street.

51 (b) The commissioner of capital asset management and mainte-
52 nance may make minor modifications to the plan if such modifica-
53 tions are necessary to carry out the purposes of this section.

54 (c) The consideration for the grants of fee interests, easements
55 and releases described in subsection (a) shall be \$1. No instru-
56 ment by or on behalf of the commonwealth, granting the fee inter-
57 ests or easements or releasing interests of the commonwealth as
58 described in said subsection (a) shall be valid unless such instru-

59 ment provides that the real property which is the subject of such
60 grant of fee interest, easement or release shall be used solely for
61 the purposes described in said subsection (a). Each grant of fee
62 interest, easement or release shall stipulate that the real property
63 interests granted or released shall revert to the commonwealth to
64 the care and control of the division of conservation and recreation
65 at the option of the commissioner of the division of capital asset
66 management and maintenance if the property ceases to be used for
67 the express purpose set forth in the grant or release instrument.

68 (d) The city of Lowell shall bear the cost of any surveys and
69 other expenses deemed necessary by the commissioner of capital
70 asset management and maintenance for the granting of fee inter-
71 ests, easements or releases pursuant to this section.

72 (e) To ensure a no-net-loss of lands protected for conservation
73 and recreation purposes on account of the conveyances and
74 releases authorized in this section, the grantee shall ensure that
75 lands of equal or greater acreage and value, acceptable to the
76 department of conservation and recreation, are permanently pro-
77 tected for such purposes under the ownership of either the city of
78 Lowell or the commonwealth following substantial completion of
79 the project to which the conveyances or releases pertain.

1 SECTION 26. Notwithstanding any general law or special law
2 to the contrary, the uses permitted in the management and use
3 agreement dated July 23, 2004, between the department of conser-
4 vation and recreation and Kids Replica Ballpark, Inc. on land
5 authorized and designated under chapter 275 of the acts of 1998,
6 shall be deemed an overriding public interest within the meaning
7 of 314 CMR 9.08, provided that the United States Army Corp of
8 Engineers determines that a section 404 permit is not required.

1 SECTION 27. (a) There shall be a special water infrastructure
2 finance commission to develop a comprehensive, long-range
3 water infrastructure finance plan for the commonwealth and its
4 municipalities.

5 (b) The commission shall consist of the commissioner of envi-
6 ronmental protection or his designee, the state treasurer or his
7 designee, 1 member of the senate; 1 member of the house of rep-
8 resentatives; 1 person to be appointed by the president of the

9 senate and 1 person to be appointed by the speaker of the house of
10 representatives, each of whom shall be a representative of a plan-
11 ning organization, environmental consumer organization or other
12 public interest organization; 1 person to be appointed by the
13 minority leader of the senate and 1 person to be appointed by the
14 minority leader of the house, each of whom shall be from different
15 geographic regions of the commonwealth and who shall be repre-
16 sentatives of the business community; a representative of the
17 Boston Water and Sewer Commission; and 9 persons to be
18 appointed by the governor who shall not be employees of the
19 executive branch and who shall reside in different geographic
20 regions of the commonwealth, 1 of whom shall be a representative
21 of the American Council of Engineering Companies of Massachu-
22 setts, 1 of whom shall be a representative of the Utility Contrac-
23 tors Association of New England, 1 of whom shall be a
24 representative of the Massachusetts Waterworks Association, 1 of
25 whom shall be a representative of the Massachusetts Municipal
26 Association, 1 of whom shall be a representative of Clean Water
27 Action, 1 of whom shall be a representative of Associated Indus-
28 tries of Massachusetts, 1 of whom shall be a representative of the
29 Environmental League of Massachusetts, 1 of whom shall be a
30 representative of the Conservation Law Foundation and 1 of
31 whom shall be a representative of the Massachusetts Water Pollu-
32 tion Control Association. The aforementioned organizations shall
33 provide a list of at least 3 but not more than 5 candidates for con-
34 sideration by the governor. Each of the members shall be an
35 expert or shall have experience in the field of law or public policy,
36 water, wastewater or storm water planning, design and construc-
37 tion of water, wastewater or storm water projects, utility manage-
38 ment, management consulting or organizational finance; provided,
39 however, that at least 1 member shall have expertise in organiza-
40 tional finance. The governor shall designate a member to serve as
41 the chairperson of the commission but the chairperson shall not be
42 the commissioner of environmental protection, the state treasurer
43 or their designees. The members of the commission shall be
44 appointed not later 90 days after the effective date of this act and
45 serve until the completion of the long-range infrastructure finance
46 plan.

47 (c) In the course of its deliberations, the commission shall make
48 it a priority to examine the technical and financial feasibility of
49 sustaining, integrating and expanding public water systems, con-
50 servation and efficiency programs, wastewater systems and storm
51 water systems of municipalities and the commonwealth, including
52 regional or district systems. Further, the commission shall:
53 (1) examine the water infrastructure needs of the commonwealth
54 for the next 25 years as they relate to the funding gap between the
55 water infrastructure needs of the commonwealth and the existing,
56 available sources of funding; (2) develop mechanisms for addi-
57 tional funding for water infrastructure by increasing investment in
58 critical water, wastewater, storm water and water conservation
59 infrastructure; (3) provide mechanisms for improvements in the
60 handling and management of water programs; (4) examine the
61 potential threats to public health and public safety from the
62 existing shortfalls in funding for water infrastructure; (5) examine
63 and develop recommendations on ways in which the common-
64 wealth and its municipalities may meet operation and mainte-
65 nance, and capital improvement and reconstruction needs for the
66 next 25 years including, without limitation, recommendations
67 regarding debt reduction, enhancing existing sources of revenues,
68 developing new sources of revenues, establishing new incentives
69 for public-private partnerships in the development of real property
70 resources and funding resources; and (6) examine the expanded
71 use of full accounting systems and enterprise funding, asset man-
72 agement systems and best management practices, compliance with
73 chapter 21G of the General Laws and Massachusetts water policy,
74 and current federal and state funding programs.

75 The commission shall examine the finances of the various
76 municipalities and regional water districts, including state and
77 federal aid levels, and make recommendations for improvements
78 to financial policies and procedures. The commission shall iden-
79 tify areas where cost savings can be achieved across water agen-
80 cies by consolidation, coordination and reorganization. The
81 commission shall examine the projected federal funding, projected
82 state funding, projected local funding, projected fee-based
83 funding, debt financing and any other sources of projected
84 funding to finance water infrastructure needs identified by the
85 commission.

86 (d) The commission shall develop recommendations as to what
87 funding or finance measures the commonwealth or its municipali-
88 ties may pursue to satisfy any unmet funding needs identified by
89 the commission. The recommendations shall also include any rec-
90 ommendation for interagency agreements, intermunicipal agree-
91 ments, consolidations or mergers to enable the commonwealth and
92 its municipalities to make the most effective use of water funding
93 resources. The recommendations shall identify fair and equitable
94 means of financing water infrastructure investments through
95 taxes, fees, user charges or other sources.

96 (e) The commission may hold public hearings to assist in the
97 collection and evaluation of data and testimony.

98 (f) The commission shall prepare a written report detailing its
99 financials relative to identified funding sources and its recommen-
100 dations, if any, together with drafts of legislation necessary to
101 carry those recommendations into effect. The commission shall
102 submit its initial report to the governor, the secretary of environ-
103 mental affairs, the clerks of the senate and house of representa-
104 tives, the house and senate committees on ways and means and
105 the joint committee on the environment not later than 2 years after
106 the effective date of this act.

107 (g) Any research, analysis or other staff support that the com-
108 mission reasonably requires shall be provided by the executive
109 office of environmental affairs and its agencies, with assistance
110 from the Massachusetts Water Resources Authority.

1 SECTION 28. Notwithstanding any general or special law to
2 the contrary, the department of highways may expend not more
3 than \$5,000,000 for a pilot program to study the effectiveness of
4 the structural health monitoring of bridges and tunnels through
5 electronic means.

1 SECTION 29. Subject to appropriation, the secretary of trans-
2 portation and public works shall create a quiet zone assistance
3 grant program. Any public authority eligible to apply for the cre-
4 ation of a quiet zone, as defined by the United States Secretary of
5 Transportation pursuant to 49 U.S.C section 20153, may apply for
6 a quite zone assistance grant for financial aid for the improve-

7 ments necessary to create said quiet zone. Eligible improvements
8 must meet the standards specified by 49 USC 20153 and the
9 United States secretary of transportation for quiet zones, and may
10 include, but shall not be limited to, 4-quadrant gate systems, gates
11 with medians or channelization devices, 1-way streets with gates,
12 photographic enforcement, programmed enforcements, and public
13 education and awareness programs. Any public authority may be
14 eligible for a quiet zone assistance grant up to 50 per cent of the
15 total cost to implement a new quiet zone.

1 SECTION 30. The Commissioner of the Department of Envi-
2 ronmental Protection shall submit a report to the Secretary of
3 Energy and Environmental Affairs and the Joint Committee on
4 Environment, Natural Resources and Agriculture prior to April 1,
5 2009 with an analysis of current efforts to protect the ground and
6 surface waters of the Commonwealth together with legislative rec-
7 ommendations to adequately protect and oversee any new with-
8 draws of water from any new water source.

1 SECTION 31. (a). In this section, the term “Silver Maple
2 Forest” shall refer to a property also known as the Belmont
3 Uplands and comprised of Parcel 40-1 on the assessors’ map of
4 the town of Belmont and an adjoining triangular parcel in the city
5 of Cambridge.

6 (b) Notwithstanding sections 40F to 40J of chapter 7 of the
7 General Laws or any other general or special law to the contrary,
8 the department of conservation and recreation may acquire, by
9 deed, easement, restriction, covenant or condition, but not through
10 eminent domain, the Silver Maple Forest.

11 (c) Within 90 days of the effective date of this act, the commis-
12 sioner of conservation and recreation shall conduct an appraisal of
13 the fair market value of the Silver Maple Forest.

14 (d) Within 120 days of the effective date of this act, the com-
15 missioner shall determine an amount that the commonwealth may
16 allocate from any lawfully available funds for the purpose of
17 acquiring the Silver Maple Forest. This amount shall be the state
18 contribution.

19 (e) Upon determining the state contribution, the commissioner
20 shall inform the board of selectman in the town of Belmont, the

21 board of selectmen in the town of Arlington and the city council
22 in the city of Cambridge, in this section called the local authori-
23 ties, the results of the appraisal and the amount of the state contri-
24 bution, if any.

25 (f) Within 120 days of the transmittal by the commissioner, the
26 local authorities shall each certify, in language to be determined
27 by the commissioner, the amount of funds under their control
28 which are available for contribution towards the cost of the acqui-
29 sition of the Silver Maple Forest by the commissioner. The funds
30 may include funds appropriated by the appropriating bodies in the
31 town of Arlington, the town of Belmont and the city of Cambridge
32 and may also include private funds received by, or on behalf of,
33 the local authorities and held in escrow for application towards
34 the acquisition.

35 (g) If the amount of the funds so certified equals or exceeds the
36 difference between the appraised fair market value of the property
37 and the state contribution, and if the owner of the property enters
38 into an agreement to convey the property for conservation pur-
39 poses, the commissioner shall, upon receipt of the funds, forthwith
40 consummate the acquisition; provided, however, that any deed
41 conveying the parcel shall contain the restriction required under to
42 subsection (h). If the amount of funds received does not equal or
43 exceed the difference, this section shall become null and void.

44 (h) Notwithstanding any general or special law to the contrary,
45 the property described in subsection (a) shall be conveyed subject
46 to a conservation restriction imposed under section 31 of chapter
47 184 of the General Laws, for the preservation and protection of
48 wildlife and habitat and passive public recreation and consistent
49 purposes. The conservation restriction, if taken and not otherwise
50 acquired, shall be subject to any easement or lesser interest in land
51 held by any person or governmental agency, except for the owner,
52 that lawfully exists and is recorded in the appropriate registry of
53 deeds.

1 SECTION 32. The water pollution abatement trust established
2 under chapter 29C of the General Laws may make a loan to the
3 city of Worcester for the components within the city of the project
4 described in Department of Conservation and Recreation Waste

5 Water Project No. WM93-001-SIA, Waste Water Facilities Plan
6 West Boylston- Holden-Wachusett Reservoir Project, which are on
7 the department of environmental protection's intended use plan
8 for calendar year 2008. Notwithstanding any general or special
9 law to the contrary, the commonwealth shall provide contract
10 assistance to the trust under section 6 or section 6A of said
11 chapter 29C in each fiscal year of the commonwealth in amounts
12 sufficient to provide a subsidy or other assistance to the trust for
13 all of the debt service payable on the loan.

1 SECTION 33. (a) The secretary of energy and environmental
2 affairs shall promulgate regulations to define land eligible for cer-
3 tification under subsection (o) of section 6 of chapter 62 of the
4 General Laws and under section 38X of chapter 63 of the General
5 Laws. Such regulations shall be promulgated within 180 days
6 after the effective date of this act.

7 (b) The secretary of environmental affairs shall, within 5 years
8 after the effective date of this act, prepare a report to the joint
9 committee on revenue and the joint committee on environment,
10 natural resources and agriculture, describing the certified lands
11 conserved under subsection (o) of section 6 of chapter 62 of the
12 General Laws and section 38X of chapter 63 of the General Laws.

13 (c) The commissioner of revenue shall, in consultation with the
14 secretary of energy and environmental affairs, promulgate regula-
15 tions to administer subsection (o) of section 6 of chapter 62 of the
16 General Laws and section 38X of chapter 63 of the General Laws.
17 Such regulations shall include provisions to prevent the generation
18 of multiple credits with respect to the same property. Regulations
19 shall be promulgated within 180 days after the effective date of
20 this act.

21 (d) The commissioner of revenue shall, within 5 years after the
22 effective date of this act, submit a report to the joint committee on
23 revenue and the joint committee on environment, natural
24 resources and agriculture, calculating the annual tax savings under
25 subsection (o) of section 6 of chapter 62 of the General Laws and
26 section 38X of chapter 63 of the General Laws.

27 (e) There shall be a commission to study the transferability of
28 tax credits under subsection (o) of section 6 of chapter 62 of the
29 General Laws and section 38X of chapter 63 of the General Laws.

30 The commission shall be composed of 9 persons, including the
31 commissioner of the department of agricultural resources, or his
32 designee, who shall serve as chairman; the commissioner of rev-
33 enue, or his designee; 2 members of the house of representatives,
34 1 of whom shall be appointed by the minority leader; 2 members
35 of the senate, 1 of whom shall be appointed by the minority
36 leader; a representative of the American Farmland Trust; a repre-
37 sentative of the Massachusetts Audubon Society; and a represen-
38 tative of The Nature Conservancy. The commission shall examine
39 all aspects of transferability including, but not limited to: the
40 status of its application in other states, potential fiscal impacts and
41 potential conservation benefits. The commission shall file a
42 report of its findings and recommendations, including any drafts
43 of legislation necessary to put its recommendations into effect,
44 with the joint committee on revenue and the joint committee on
45 environment, natural resources and agriculture on or before Jan-
46 uary 1, 2011.

1 SECTION 34. The secretary of administration and finance in
2 conjunction with the secretary of energy and environmental affairs
3 shall submit a report on the progress of, and all expenditures
4 related to the projects specified in this act and any other projects
5 funded through the authorizations in this act to the clerks of the
6 senate and house of representatives, the chairs of the senate and
7 house committees on ways and means, the chairs of the joint com-
8 mittee on environment, natural resources and agriculture and the
9 senate and house chairs of the joint committee on bonding, capital
10 expenditures and state assets. The report shall include, but not be
11 limited to: the total amount appropriated for each project, the total
12 estimated cost of each project, the amount expended for the plan-
13 ning and design of each project up to the time the report is filed,
14 the amount expended on construction of each project up to the
15 time the report is filed, the total amount currently expended on
16 each project, the original estimated completion date of each pro-
17 ject, the current anticipated completion date of each project and, if
18 the project has been de-authorized, the reason for and date of de-
19 authorization. The report shall be submitted on June 30 and
20 December 31 of each year for a period of 8 years after the effec-
21 tive date of this act.

1 SECTION 35. Nothing in sections 8, 9 or 34 of this act shall be
2 construed to alter or amend any permitting requirements,
3 reporting requirements, allocation procedures or other require-
4 ments set forth in any other provision of the General Laws.

1 SECTION 36. Sections 8 and 9 shall be effective for tax years
2 beginning on and after January 1, 2010.

1 SECTION 37. Section 11 of this act shall take effect June 1,
2 2009.

1 SECTION 38. Section 23 of this act shall take effect 90 days
2 after the effective date of this act.