

June 18, 2020



Dear Stewardship Council:

Included in this document are draft revisions to various Massachusetts statutes relating to the activities of the Stewardship Council and/or the Department of Conservation and Recreation. Also included are talking points for the Stewardship Council's consideration. The Policy & Operations Committee is providing the document for discussion purposes, with the ultimate goal of the Stewardship Council approving recommended changes to the relevant statutes.

Best,

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Stewardship Council

MGL ENABLING LEGISLATION

CHAPTER 21

Section 2: Stewardship council

Section 2. The department shall be under the [control / supervision / oversight] of a stewardship council, which shall consist of up to 13 persons to be appointed by the governor in the manner provided in this chapter.

Each person appointed to the stewardship council shall serve for terms of three calendar years commencing on January 1 of the year appointed. No such person shall serve more than [three] terms (full or partial) or more than [9] years in total, whichever occurs first. The governor shall endeavor to make appointments in a manner consistent with the goal of ensuring staggered terms.

The council shall elect, at least annually, its own chairperson, vice chairperson, and secretary, and shall make the appointments required to be made by it in the manner herein provided. No council member shall serve as chairperson for more than three successive years.

Section 2A: Members of the council

Section 2A. The governor shall appoint 11 members of the stewardship council with due regard to geographical distribution, provided that 5 members shall reside within the urban parks district defined in section 33 of chapter 92, at least one of whom shall be a resident of the city of Boston, and 1 of whom shall be a resident of Berkshire county. Of these members, no more than [3] may come from the same county.

In consultation with the council's chairperson, the commissioner shall regularly request nominations for the remaining 2 members of the council. Such nominations shall come from the governing boards of various DCR stakeholder groups. The stakeholder groups from which to request nominations shall be developed in consultation between the stewardship council chairperson, vice chairperson, and the commissioner and shall include no less than fifteen but no more than thirty such organizations. From the nominations received from the various boards of such organizations, the commissioner and the stewardship council chairperson, vice chairperson and/or any council member they may select shall select up to 6 candidates whom they shall recommend to the governor. The governor shall appoint the remaining 2 members of the council from among the recommended candidates.

Section 2B: Removal of members of stewardship council; absence from meetings; appointment of successor; certificates of absence

Section 2B. Members of the stewardship council may be removed for cause by the governor, with the advice and consent of the council, after due notice and a hearing before the governor, for inefficiency, neglect of duty, misconduct in office, or other cause. A copy of the charge or charges against a board member shall be delivered to him not less than twenty-one days prior to the hearing, and he shall have the right to a public hearing and to appear in person and be represented by counsel at the hearing. Upon removal of any board member, the governor shall thereupon cause to be filed in the office of the state secretary a complete statement of all charges made against such board member, the findings thereon and a complete record of the proceedings thereunder.

The absence of a board member from three consecutive meetings, except for sickness, may be deemed neglect of duty, and may be a cause for removal as provided herein.

[Prior to such removal, however, the chairperson of the stewardship council shall certify the unexcused absence of said board member from three consecutive meetings by filing a certificate to that effect with the commissioner of the department of conservation and recreation and the secretary of the commonwealth. Upon the filing of such certificates, such a member's position shall be deemed vacant and the governor shall appoint a successor thereto. In case of the resignation, removal or death of a board member, said member's successor shall be appointed to fill the remainder of the unexpired term subject to the same terms and conditions as said member, so-called.]

In case of the resignation, removal or death of a board member, his successor shall be appointed to fill the remainder of the unexpired term in the same manner and subject to the same qualifications as his predecessor.

Section 2C: Meetings of council

Section 2C. The stewardship council shall meet within the commonwealth within thirty days after appointment and at least [eight] times per year. Six stewardship council members shall constitute a quorum for the transaction of business, except in the case of appointment or removal of any person appointed by the stewardship council, or the approval of the appointment or removal of a division director. No appointment or removal of any person appointed by the stewardship council and no approval of the appointment or removal of a division director, shall be valid unless written notice of the meeting for such an appointment or removal or approval thereof, setting forth the business to be transacted thereat, shall have been sent by registered mail or electronic mail to each stewardship council member at least twenty-one days prior to such meeting, and then only by the affirmative vote of three or more members present and voting.

Section 2D: Members of council; holding other positions in department

Section 2D. No member of the stewardship council shall hold any other position in the department while serving as such nor for a period of one year thereafter.

Section 2E: Compensation of council members; expenses

Section 2E. Members of the stewardship council shall serve without pay, but shall be reimbursed, out of any funds available for the purpose, for reasonable expenses incurred in the performance of their official duties. [Such reimbursement shall not in any fiscal year exceed three thousand dollars for the total aggregate expenses of all board members.]

Section 2F: Management guidelines for sustainable forestry practices on public and private forest lands

Section 2F. The director of state parks and recreation shall work in communication with the director of the division of fisheries and wildlife within the department of fish and game to establish coordinated management guidelines for sustainable forestry practices on public forest lands within the departments of conservation and recreation and on private forest lands. Said guidelines for public forest lands shall include agreements on equipment, personnel transfers, operational costs, and assignment of specific management responsibilities.

The commissioner of the department of conservation and recreation shall routinely submit management plans to the stewardship council for the council's adoption with respect to all reservations, parks, and forests under the management of the department, regardless of whether such reservations, parks, or forests lie within the urban parks district or outside the

urban parks district. Said management plans shall include guidelines for the operation and land stewardship of the aforementioned reservations, parks and forests, shall provide for the protection and stewardship of natural and cultural resources and shall ensure consistency between recreation, resource protection, and sustainable forest management. The commissioner shall seek and consider public input in the development of management plans, and shall make draft plans available for a public review and comment period through notice on the Environmental Monitor website. Within thirty days of the adoption of such management plans, as amended from time to time, the commissioner shall file a copy of such plans as adopted by the council with the state secretary and the joint committee on natural resources and agriculture of the general court.

The commissioner of the department of conservation and recreation shall be responsible for implementing said management plans, with due regard for the above requirement. **Section 2G: Oversight strategy plans**

Section 2G. The stewardship council shall develop an oversight strategy of park management plans, capital planning and policy development. Such oversight strategies will be published annually and after a 30 day public comment period will be finalized and submitted to the Secretary of Environmental Affairs. Such oversight plans must be prepared and submitted 45 days prior to the submission to the legislature of the governor's annual budget.

Section 3: Commissioner; directors

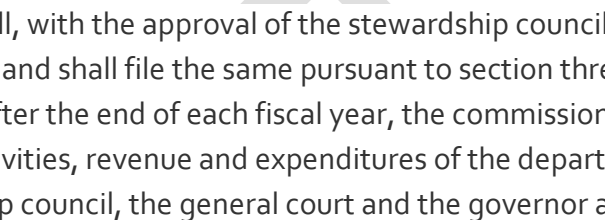
Section 3. The commissioner of conservation and recreation shall be the executive and administrative officer of the department, and he shall exercise supervision, direction and control over all the divisions of the department [in accordance with such programs and policies as may from time to time be promulgated by the stewardship council]. The commissioner shall be responsible for administering all laws vested in the department by general or special laws. The commissioner shall appoint and remove the directors of state parks and recreation and water supply protection with the approval of the stewardship council. The commissioner shall appoint and remove the directors of other divisions, bureaus or offices which he may establish as he deems appropriate for the efficient management and centralized administration of the department. The directors shall be qualified by training, executive ability, relevant experience and personal participation in the public programs of federal, urban, or state parks and recreation systems, to administer the duties of their respective offices, and shall not be subject to chapter 31. The commissioner may also appoint and remove a professional geologist, who shall be the state geologist and who shall not be subject to chapter 31 or section 9A of chapter 30.

Section 3A: Acting commissioner; commissioner's salary

Section 3A. The stewardship council may designate an acting commissioner in the absence or disability of the commissioner, such acting commissioner to have the powers of the commissioner, the provisions of the general laws to the contrary notwithstanding. The position of commissioner shall be classified in accordance with section forty-five of chapter thirty and the salary shall be determined in accordance with section forty-six C of said chapter thirty.

Section 3C: Annual budget; report

Section 3C. The commissioner shall, with the approval of the stewardship council, prepare an annual budget of the department, and shall file the same pursuant to section three of chapter twenty-nine. Within ninety days after the end of each fiscal year, the commissioner shall render a complete detailed report of all activities, revenue and expenditures of the department and each division thereof, to the stewardship council, the general court and the governor and council.



CHAPTER 92

Section 79: Taking or acquisition of lands for reservations

Section 79. For the purposes set forth in section thirty-three, the commissioner, acting so far as may be in consultation with the proper local boards, on behalf of the commonwealth, may take in fee or otherwise, by purchase, gift, devise, eminent domain or friendly taking under chapter seventy-nine, lands and rights in land for reservations within the urban parks district, or take bonds for the conveyance thereof; and may take by eminent domain under said chapter, or acquire by agreement or otherwise, the right forever, or for such period of time as the commissioner deems expedient, to plant, care for, maintain or remove trees, shrubs and growth of any kind within certain spaces regulated by the division along or near rivers and ponds within said district; and may take or impose by eminent domain under said chapter, or acquire the benefit of, by agreement or otherwise, such restrictions upon such regulated spaces as it deems expedient; provided, that no private property shall be taken or restrictions imposed by eminent domain hereunder without the concurrence of a majority of the stewardship council and of the board of park commissioners, if any, of the town where said property is situated.



CHAPTER 132A

Section 3A: Eminent domain; exercise of power

Section 3A. The exercise of the power of eminent domain under the provisions of section three shall be subject to the approval of the stewardship council, and the board of selectmen or town or city council in any town in which is located any land proposed to be taken by eminent domain. If such board of selectmen fails to approve or disapprove such proposed taking within thirty days after receipt of written notice thereof from the commissioner, such board shall be deemed to have approved thereof.

LINKS TO RELATED MGL PAGES

<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleII/Chapter21>

<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleII/Chapter21/Section1>

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