



Massachusetts Association of Conservation Commissions

protecting wetlands, open space and biological diversity through education and advocacy

Testimony Regarding H.3013

An Act relative to the Massachusetts Aeronautics Division

Joint Committee on Transportation

November 9, 2015

Thank you Senate Chair McGee and House Chair Straus and members of The Joint Committee on Transportation for the opportunity to testify about H.3013, *An Act relative to the Massachusetts Aeronautical Division*.

My name is Eugene B. Benson. I am the Executive Director of the Massachusetts Association of Conservation Commissions (MACC) and I speak on behalf of MACC.

MACC is the professional association of conservation commissions. Each municipality in Massachusetts has a conservation commission, authorized by state law and part of municipal government. Conservation commissions protect the natural resources of their communities under the Conservation Commission Act (G.L. c.40, § 8c) and administer and enforce the Massachusetts Wetlands Protection Act (G.L. c.131, § 40) and local wetlands bylaws and ordinances.

MACC works to protect wetlands, open space, and biological diversity through education, advocacy, and support of conservation commissions. We advocate for strong science-based laws, regulations, and policies. We have been doing this work for more than fifty-three years.

I am here to speak in opposition to one section of H.3013 that is unneeded, would eliminate an important environmental review, and could result in unnecessary environmental damages.

Section 2 of H.3013 (lines 93-101 of the bill) would rewrite General Laws chapter 90, section 35A. In so doing it would exempt from environmental oversight many Airport Vegetation Management Projects that occur in wetlands. Conservation commissions now review those projects under the state Wetlands Protection Act to make sure the projects do not unnecessarily harm wetlands or the ecological services that wetlands provide and that they meet environmental criteria. An Airport Vegetation Management Project that meets the criteria set forth in the Wetlands Protection Act regulations qualifies for approval as a limited project (310 CMR 10.24(7)(c)5 and 10.053(3)(n)). Those criteria and limited project status were given to Airport Vegetation Management Projects by the wetland regulations years ago so the projects could be approved expeditiously rather than go through the long and drawn out variance process that some of the projects previously required.

What makes this section of the bill especially troubling is that it requires the projects to comply with the limited project provisions by reference to the regulations but without any oversight that they meet the criteria. The bill does not replace conservation commission review with Department of Environmental Protection (DEP) review (which would slow down the review process and add yet another burden to an underfunded and understaffed department). It makes no sense to hold the projects to a standard by

reference to state regulation but not allow for the normal oversight and review required by those regulations.

We see no need to eliminate environmental review of the projects, which is done expeditiously by conservation commissions under current regulations. No instances have been brought to my attention, or to the attention of DEP wetlands officials, that there has been an ongoing problem that would require eliminating an environmental review process that works well. Conservation commissions should continue to review and approve the projects.

The bill also would exempt Airport Vegetation Management Projects from the requirements of local wetland ordinances and bylaws. No instances have been brought to my attention or DEP's attention in which a wetland ordinance or bylaw of a community has prevented appropriate Airport Vegetation Management Projects from being approved or slowed the approval process. There is no need to reduce the home rule authority of municipalities as this bill proposes.

We ask that you eliminate Section 2 of the bill, lines 93-101, that proposes to add Article 90 Section 35A (b) regarding Airport Vegetation Management Plans.

Thank you for the opportunity to provide this perspective and information.