



## Massachusetts Association of Conservation Commissions

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

May 14, 2019

***Via Electronic Mail***

The Honorable Anne Gobi, Chair  
The Honorable Smitty Pignatelli, Chair  
Joint Committee on Environment, Natural Resources and Agriculture  
State House  
24 Beacon Street  
Boston, MA 02133

Re: ***MACC Comments on H. 775, An Act enabling conservation commissions to consider climate change within their conservation plans.***

Dear Chairs Gobi and Pignatelli, and Members of the Joint Committee:

The Massachusetts Association of Conservation Commissions (MACC) is writing to provide the Joint Committee comment on H. 775, *An Act enabling conservation commissions to consider climate change within their conservation plans.*

MACC is a statewide non-profit 501(c)(3) organization dedicated to protecting wetlands, open space, and biological diversity through education and advocacy. We provide environmental education, training, and assistance for more than 2,000 conservation commissioners throughout Massachusetts. The Commissions protect and preserve wetlands and open space in their communities under the Conservation Commission Act and administer the state's Wetlands Protection Act (WPA), own and manage conservation lands, and educate and advocate for environmental protection locally. Municipal, state staff and officials, consultants, lawyers, and other interested people also participate in our environmental education and training programs.

MACC shares the Legislature's and Governor Baker's commitment to effectively address climate change through a comprehensive range of measures, including protection and improvement of natural systems under the jurisdiction of Conservation Commissions in Massachusetts. Climate change has been a part of MACC's educational workshops at our Annual Environmental Conferences since 2009.

Existing state law does not expressly provide for consideration of climate change by Conservation Commissions. MACC supports the objective of H. 775, explicitly enabling Conservation Commissions to consider climate change in their conservation plans. At the same time, MACC has taken the position that the language of MGL c. 40 s. 8c is sufficiently broad enough that Commissions currently have this authority.

Commissions in a number of Massachusetts cities and towns are beginning to address climate change through local wetland bylaws or ordinances, participation in municipal vulnerability preparedness planning, and open space planning. The scope of these activities is broader than the reference to "conservation plans" in H. 775. MACC is not aware of any reservations raised as to statutory authority, and lack of explicit reference should not imply grounds for any curtailment of these activities. Although it is not entirely clear

how the reference to “conservation plans” in H. 775 would extend to local ordinances and bylaws, MACC is not aware of any bar to the incorporation of climate change considerations into permits issued under wetlands ordinances and bylaws, assuming the permits are consistent with the text of local law and regulation.

To the extent the legislature is aware of concerns about statutory authority, MACC is not opposed to a specific provision that will remove any ambiguity that may exist concerning Conservation Commission ability to consider climate change in formulation of conservation plans in their city or town. Effectively addressing climate change is a critical priority at each level of government and Conservation Commissions should be able to contribute their distinctive skills, knowledge, and commitment within the Commonwealth’s comprehensive efforts to effectively address climate change.

We note that language of H.775 does not create a statutory mandate or impose costs on local jurisdictions, but rather allows individual Massachusetts communities to decide how to most effectively address climate change risk to natural resources.

This bill recognizes the important role of natural systems under Conservation Commission jurisdiction in helping mitigate impacts of climate change, and MACC looks forward to assisting the legislature, state agencies, and Commissions in these efforts.

Thank you for your time and consideration of this matter.

Sincerely,

*Massachusetts Association of Conservation Commissions*

A handwritten signature in blue ink that reads "Dorothy A. McGlincy". The signature is written in a cursive style with a large, stylized "D" and "M".

Dorothy A. McGlincy, PG, LSP  
Executive Director

[dorothy.mcglincy@maccweb.org](mailto:dorothy.mcglincy@maccweb.org)

cc: Rep. Nika C. Elugardo, MA State House, Room 448