



## Massachusetts Association of Conservation Commissions

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

### **Testimony Opposing S.383**

#### ***An Act incorporating wetland stewardship and scenic resources into wetland protection***

#### **Joint Committee on Environment, Natural Resources and Agriculture**

**November 6, 2013**

Thank you Senate Chair Pacheco and House Chair Gobi and members of the Joint Committee on Environment, Natural Resources and Agriculture for this opportunity to testify in opposition to S.383, an *Act incorporating wetland stewardship and scenic resources into wetland protection*.

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

MACC represents more than 2,100 conservation commissioners throughout Massachusetts who are responsible for protecting the natural resources of their communities under the Conservation Act (G.L. c.40, § 8c) and for administering and enforcing the Wetlands Protection Act (G.L. c.131, § 40). We work to protect wetlands, open space, and biological diversity across Massachusetts through education and advocacy and support of local Conservation Commissions. We advocate for strong science-based laws, regulations, and policies. We have been doing this work for more than fifty-two years.

MACC opposes the passage of S.383 for the following reasons:

- The bill would make broad, wholesale, problematic, and unnecessary changes to the Massachusetts Wetlands Protection Act, our major water resources protection law, and the oldest wetlands protection law in the United States. It would weaken environmental protections, add uncertainties, and disrupt a proven and successful program.
- The bill ignores that the Wetlands Protection Act and regulations currently have a solid scientific foundation and provide for both wetland resource protection and stewardship. Provisions of the bill, such as wetlands enhancement, access to uplands, maintenance projects, agricultural provisions, and storm water management, are already in place under current law.
- The bill redefines wetland resources and would promote physical alterations and active management of wetland resources in ways that would undermine vital protections for our wetland and water resources. For example, under the bill:
  - Most wetlands would lose protection
  - Most vernal pools would lose protection

- Wetlands could be replaced with lakes and ponds, thus losing most of their values (such as aiding in pollution prevention and flood control, and fostering biological diversity)
- Expensive and extensive work by consultants would be required for many major project approvals above and beyond current requirements and costs
- Critical buffer zones supporting adjacent wetlands would go almost entirely unprotected
- The ability of municipalities to protect wetland resources would be undermined

MACC supports policy and regulatory reforms that would improve the efficiency and effectiveness of wetlands protection and supports state initiatives to restore wetlands and waterways to help adapt to the effects of climate change. This bill, however, with its drastic changes to state law, is unnecessary and unhelpful in meeting those goals.

MACC strongly opposes this legislation. The bill would overturn more than 30 years of smart and shared environmental protection of our wetland resources, add uncertainties, increase costs, lessen protections, and disrupt a proven and successful program.

This perennially filed bill has been wisely rejected by the Joint Committee on Environment, Natural Resources and Agriculture for more than a decade. We urge the Committee to give the amended refile, S.383, an unfavorable report, as it has done for these bills in many previous sessions.

Please contact me at 617-489-3930 or [eugene.benson@maccweb.org](mailto:eugene.benson@maccweb.org) to follow up.

Thank you.