



Testimony Submitted by Linda Orel, Executive Director, Massachusetts Association of Conservation Commissions in opposition to H.1132, *An Act Providing for More Efficient Wetlands*
Before the Joint Committee on Environment, Natural Resources and Agriculture
July 14, 2011

The Massachusetts Association of Conservation Commissions (MACC) thanks Chairman Pacheco and Chairwoman Gobi for the opportunity to testify against H.1132, *An Act Providing for More Efficient Wetlands*.

MACC represents the 2,400 Conservation Commissioners in the 351 cities and towns of the Commonwealth, which are charged with protecting the natural resources of their communities under the Conservation Commission Act (G.L. Ch.40 §8c) and with administering and enforcing the Wetlands Protection Act (G.L. Ch.131 §40). In addition, more than half the communities in Massachusetts have wetland bylaws and ordinances, also administered by Commissions.

MACC opposes passage of H.1132 for the following reasons:

- This bill would effectively invalidate all wetlands bylaws and ordinances adopted by more than 200 municipalities in the Commonwealth, and would make it practically impossible for additional communities to enact wetlands bylaws. It would require prior approval by the Department of Environmental Protection (DEP) under onerous and subjective regulatory standards.
- The Supreme Judicial Court of Massachusetts in *Lovequist v. Conservation Commission of the Town of Dennis*, 379 Mass. 7 (1979) upheld the authority of municipalities to enact and enforce local wetland protection bylaws. The Court recognized that the state's Wetlands Protection Act represents a minimum standard only, and that stricter local bylaws are not inconsistent with the Wetlands Protection Act.
- DEP does not have adequate staff or resources to review the over 200 local wetlands bylaws that have already been adopted, much less any new ones that may be adopted in the future.
- Even if DEP did have such resources, the standards DEP would need to apply in such reviews under this bill are vague, confusing, would require the employment of numerous expensive consultants and would ultimately result in a large number of lawsuits and appeals.
- The state's Wetlands Protection Act and regulations constitute minimum requirements. It is well recognized that there are deficiencies in this law and regulations. This is one of the most important reasons why more than half of the state's municipalities have adopted wetland bylaws and ordinances.

MACC urges the Committee to give H.1132 an unfavorable report.

If you have questions, please contact Linda Orel, Executive Director at Linda.Orel@maccweb.org or 617-489-3930.

Thank you for the opportunity to testify on this legislation.