The public environmental programs that Mass Audubon supports leverage modest state financial resources for invaluable public benefits, protecting the nature of Massachusetts and protecting the environment and health of its residents. These programs ensure clean air and water; protect natural resources and wildlife; restore and manage critical habitats; and guide decision-making on conservation and development priorities by providing information and analyses to government officials and others.

Budget facts:

- The Commonwealth invests less than a penny on the dollar for environmental programs – or 0.58% of the state budget.
- Funding for environmental agencies has decreased by almost a quarter since FY08.
- The Department of Environmental Protection has lost 325 staff since FY04 (peak of 1,215) and has seen an 18.6% drop in funding over the past two years.
- The Department of Conservation and Recreation has lost 170 positions, or 18% of its staff, and has seen a 25% drop in funding since FY09. According to a Beacon Hill Institute Report, we spend less than half the national average on parks and recreation – or $62.90 per person compared to the national average of $138.72.

Mass Audubon SUPPORTS, and urges the House of Representatives to adopt, amendments 25, 194, 388, 518, 542, 562, 687, 700, 707, and 737 to the FY13 House Budget.

- 25, Rep. Straus – protects donations to the Natural Heritage and Endangered Species Program.
- 542, Rep. Smizik – allows Department of Environmental Protection (DEP) compliance and permitting fee retained revenue.
- 678, Rep. Gobi – increase funding to DEP main account.

We raise concern regarding amendment 165 and urge that it not be adopted to the FY13 House Budget.


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Details on amendments Mass Audubon supports:

Amendment #737
Amendments sustaining the Community Preservation Act - Reps. Stephen Kulik and Bradley Jones. The amendment language contains the full text of a Mass Audubon legislative priority, An Act to Sustain Community Preservation (HB 765), with one exception. The funding mechanism proposed in the amendment is an annual transfer of $25 million from the state's end-of-year budget surplus into the CPA Statewide Trust Fund, rather than an increase in the registry of deeds recording fees. The $25 million from the state's budget surplus would be added each year to the revenue from the existing CPA deeds recording fees, beginning with the Fall 2013 CPA Trust Fund payment. All of the other provisions of HB 765 are included in this budget amendment, including the changes to the rules for CPA recreation projects. Mass Audubon fully supports this amendment. At time of writing, over 70 House members have cosponsored!

Amendment #25
Natural Heritage and Endangered Species (NHES) Program Waiver to Fund – Rep. William Straus. The NHES Fund houses many of the revenue sources that support the NHESP - fees from Massachusetts Endangered Species Act project reviews, donations made via the state income tax form check off line which average about $200,000 annually, and grants. In 2006 the NHES Fund was authorized with a “permanent” waiver from indirect cost rate charges assessed by the comptroller. Although the legislature passed a law granting a “permanent waiver”, because of an ambiguity described below the waiver has to be requested by the Department of Fish & Game (DFG) and granted, or not granted, by Administration & Finance (A&F) on an annual basis. Typically, the waiver is granted due to annual advocacy efforts. About $500,000 annually is assessed at the current 36.65% overhead charge. Part of the assessment is derived from individual donations, meaning tax filers donate on their income tax form and 36.65% of their voluntary donation would go back to the state and not be used for the solicited purpose! It does not cost $500,000 to administer the fund, and it certainly does not cost the state one third of the $200,000 annual donations to manage this part of the fund.

Amendment #388
Mass Cultural Council - Rep. Sarah Peake, House Chair of the Joint Committee on Tourism, Arts, and Cultural Development, filed Amendment 388 to increase cultural funding to $11 million. The amendment would reverse a proposed $1.2 million cut to Massachusetts Cultural Council’s (MCC) budget contained in the House Ways & Means Committee’s version of the state budget for fiscal year 2013. Massachusetts Cultural Council annually awards Mass Audubon an Organizational Support grant. MCC has been a strong supporter of our programs for many years and their grants continue to enhance our ability to protect the nature of Massachusetts for the benefit of people and wildlife. At this time, unrestricted support is more needed than ever, and the MCC is one of the very few funders in the state that provide us and many other organizations, both large and small, with this essential funding.

Amendment #194
DCR Parks and Recreation – Rep. Bruce Ayers. The HWM proposal for Department of Conservation and Recreation (DCR) funding is $40.6 million. The amendment would increase DCR’s budget to $42.2 million. DCR manages nearly 500,000 acres of protected land, including state parks, urban parks, and public watersheds that attract over 35 million visitors annually. This is the ninth largest park service in the nation. Over the past decade, visitor services and routine maintenance of the forests and parks have greatly suffered. The lack of adequate staffing and physical maintenance poses potential public health and safety liabilities. The annual operating budget for the combined divisions of DCR has been reduced by over 30% in recent years. In FY10 the GAA was $44.9M after the cuts.

Amendment #518
DCR Retained Revenue - Rep. Angelo Scaccia. Mass Audubon is a member of the DCR Stewardship Council. Over the last few years, we have watched one of the best park and recreation agencies in the country struggle with ever more drastic budget cuts. Despite the dramatic increases in park use and the growing demand for public recreation facilities,
the agency has seen its budget reduced by over 30% in four years to a figure which is approximately 45% lower than the number suggested by this Stewardship Council six years ago as necessary for the DCR to operate effectively. The Stewardship Council is a strong proponent of the amendment to allow DCR to collect and retain revenue from its operations. The provision to permit the agency to retain more of the funds that it collects would be a significant step towards giving the agency the financial tools to manage its long run fiscal problem. It will be good for the agency, but more importantly it will be good for the public and for the state.

Amendment #542

**DEP compliance and fee retained revenue – Rep. Frank Smizik.** This amendment offers language, supported by the environmental and business community, to dedicate revenue to DEP permitting and compliance functions. The proposed fee increase of $2.5 million, in combination with the proposed funding allocation, should ensure that MassDEP maintains the minimum level of staffing necessary to process timely permits and conduct essential enforcement activities. DEP has been reduced to historically low staff levels while the Department has been tasked with significant new responsibilities. The Department has absorbed a number of layoffs over the past years. Further layoffs will harm the Department’s operations, permitting and compliance. Second, the increase is dedicated to MassDEP in a retained revenue account which restores the multi-party agreement for dedicated monies. The use of non-tax revenues to assist the permit and compliance functions is appropriate. The retained revenue account is critical for our support. We cannot support a fee increase that does not correspond to MassDEP services. MassDEP must be able to permit important projects and to enforce against environmental violations. These essential operations help the economy grow in Massachusetts, assure a level playing field for the businesses that play by the rules and protect the environment.

Amendment #562 and #707

**Dam safety, repair, and removal improvement legislation - Rep. Straus; ensures funding for dam repair and removal – Rep. Anne Gobi.** Mass Audubon appreciates HWM acknowledging dam safety, repair and removal as an important issue by including section 37 in its version of the budget which creates the Dam, Sea Wall and Retaining Wall Infrastructure Fund. However, we strongly recommend the House provide funding for the program and focus solely on dams. Section 67 misses an opportunity to fund this program by authorizing the transfer of Water Pollution Abatement Trust (WPAT) funds to the General Fund without further transferring the funds to where it could be spent on dam safety. The Commonwealth will get more return on investment from dam removal than from repairing seawalls, including: reducing costs to municipalities on dam maintenance and improving water quality; providing jobs in commercial fisheries, recreation and restoration; and, receiving federal matching grants for dam removal. We therefore ask that you:

- Support amendment 707 which would retain funding at the WPAT until we can identify where the funding should go for dam safety.
- Support amendment 562 which is the Dam Safety, Repair and Removal bill (SB1985, as amended and approved by the Senate), which would create and provide funding for a statewide fund for dam safety and authorize municipalities to bond and assess betterments for dams.

Amendment #678

**DEP main line-item – Rep. Gobi.** This amendment restores the DEP main account to House 2 levels, from $24.9M to $25.1M. In conjunction with #700, which allows for a raising and retaining of permit and compliance fees, this funding will go a long way towards supporting this important environmental agency which has seen drastic cuts over the past few years while its responsibilities have increased.

Amendment #687

**Division of Ecological Restoration/Riverways - Rep. Turner.** The HWM proposal is down to $394,000 for the outstanding, award-winning Riverways program - cut by nearly 50% in just the past few years. This amendment would increase Riverways budget to **$480,000.** The Riverways Program, now part of the newly created Division of Ecological Restoration, works side-by-side with local citizens, municipal officials, watershed groups, and other partners to restore and protect the state’s rivers, coastal resources and their ecosystems through: Priority Project Program, which funds
community-based activities, such as dam removal and culvert replacement to restore rivers, riparian corridors and salt marshes; Urban Rivers Program, which revitalizes urban riverfronts and promotes neighborhood participation in rediscovering rivers flowing through the Commonwealth’s cities; River Instream Flow Stewards program, which coordinates local group efforts to collect high quality stream flow data; and the Adopt-a-Stream Program, which assists over 100 local groups across the Commonwealth in generating baseline data and monitoring conditions of local streams and brooks. The Division of Ecological Restoration leverages $2 to $3 dollars in federal and local funds for every $1 in state funds spent and has leveraged over 11 million dollars for more than eighty active restoration projects. These projects put people to work and stimulate local economies.

Amendment #700  
**DEP wetlands retained revenue line-item - Rep. Gobi.** The HWM proposal for DEP wetlands retained revenue is $261,000 while the Governor proposed $650,000. The amendment would increase DEP’s ability to retain wetlands revenue to $400,000. DEP’s Wetlands Program works to protect Massachusetts’ inland and coastal wetlands, tidelands, great ponds, rivers and floodplains. The Wetlands Act is a national model for protection of water quality, drinking water, groundwater, wildlife habitat, fisheries, shellfish, and prevention of flooding and storm damage. Conservation Commissions, which provide thousands of hours of volunteer service annually, rely on DEP staff to provide direct training and technical assistance, hear appeals and ensure consistency in the application of the Wetlands Act in all cities and towns. Increasing DEP’s wetlands budget and preserving its retained revenue account is essential to enforce the Wetlands Protection Act. Moreover, DEP’s highly successful Circuit Rider program provides crucial technical support to volunteer Commissioners who need training and assistance in implementing complex wetlands rules and regulations.

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Details on amendment of concern.

Amendment #165  
**Massachusetts Endangered Species Act - Rep. Jones**

This amendment, also filed as **SB1854**, would take away any flexibility the Department of Fish and Game (DFG) has to work with landowners to both protect our rare species and promote sensible development. Instead, this amendment would require that DFG use only the “significant habitat” designation, which is so rigid as to be almost a taking, instead of the “priority habitat” DFG developed to provide a reasonable approach for landowners. The work the Department of Fish and Game does to protect our rare species is critical and this amendment would destroy the rare species protections in Massachusetts. This bill is still before the Joint Committee on Environment, Natural Resources, and Agriculture, where the committee is working on a redraft. We understand that the amendment is not likely to move.

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Thank you for your consideration and support!