

April 9, 2018

Via Electronic Mail

The Honorable Karen E. Spilka, Chair
Senate Committee on Ways and Means
State House, Room 212
24 Beacon Street
Boston, MA 02133

Re: Support for S2181, Public Lands Protection Act

Dear Senator Spilka:

Massachusetts Association of Conservation Commissions (MACC) is writing this letter in support of Senate Bill S. 2181, “*An Act Protecting the Natural Resources of the Commonwealth*” (also known as the *Public Lands Protection Act*, or “*PLPA*”). MACC is the non-profit association representing more than 3,000 conservation commission and other environmental professional members in 351 towns and cities across Massachusetts. Our association provides educational resources and technical assistance to Massachusetts’ conservation commissions, which are the municipal boards responsible for administering the state Wetlands Protection Act and municipal wetland bylaws and ordinances; conservation commissions are also responsible for managing municipally-owned conservation land. Our association protects Massachusetts’ natural resources through our education and advocacy efforts.

About Article 97

Article 97 of the Massachusetts Constitution protects land that has been preserved or put aside for agricultural, mineral, forest, water, air and other natural resources for public purposes. Occasionally, it is necessary to convert or swap land that would provide a greater environmental public benefit requiring the municipality to seek legislative approval for the sale or conversion of the land. This process can be unclear for municipalities.

What the PLPA would do:

The PLPA would help municipalities by providing clarification to an existing law already in place by creating a clearer roadmap of the process to undertake when transferring, changing the use of, or disposing of Article 97 lands, when such transfer, change in use, or disposition is deemed unavoidable. S. 2181 would codify the current state policy that there should be no net loss of lands or easements protected under Article 97 (where feasible), and it would establish a transparent and timely process for the transfer, change in use, or disposition of Article 97 land. This bill would ensure that the integrity of Article 97 is upheld.

The PLPA has been reviewed by many of our members who work on a daily basis with wetlands, open space, and Article 97 land. Our members tell us that this bill will help reduce the complexities of the existing process and will ultimately save money for our towns and cities.

Finally, we have heard there might be some concerns that the Executive Office of Energy and Environmental Affairs (EEA) might not have enough “bandwidth” to prepare PLPA regulations. MACC is offering our full support to EEA during their regulatory efforts. MACC is experienced in working with state agencies to prepare regulatory updates. We have provided assistance to the Massachusetts Department of Environmental Protection (MassDEP) as part of the Stormwater Advisory Committee when MassDEP was updating the Wetland Protection Act regulations. In addition, as a Licensed Site Professional (LSP), I have worked closely with numerous MassDEP working groups related to regulatory updates associated with the Massachusetts Contingency Plan, Solid Waste regulations, and Hazardous Waste Regulations. Advisory Committees provide a strong approach to science-based, yet common sense, regulations.

Conservation commissions have been instrumental in acquiring and managing protected conservation areas and easements for the protection of valuable natural resource areas for the public’s benefit and use. We hope these lands can remain protected.

We respectfully ask for a favorable report on the Public Lands Preservation Act, S.2181. If you have any questions or need additional information, please contact our office at (617) 489-3930.

Thank you for your time and consideration of this matter.

Sincerely,
Massachusetts Association of Conservation Commissions

Dorothy A. McGlincy, PG, LSP
Executive Director