



Massachusetts Association of Conservation Commissions

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

April 22, 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: Support for S.459 and H.732, Public Lands Preservation Act (PLPA)

Dear Chair Gobi, Chair Pignatelli, and Members of the Committee:

Massachusetts Association of Conservation Commissions (MACC) appreciates the opportunity to provide comments in support of Senate Bill S.459 and H.732, “*An Act Protecting the Natural Resources of the Commonwealth*” (also known as the *Public Lands Preservation Act*, or “*PLPA*”). MACC is the non-profit association representing more than 2,800 conservation commission and other environmental members in towns and cities across Massachusetts. Each of the 351 municipalities in Massachusetts has a conservation commission responsible for administering the state Wetlands Protection Act, municipal wetland bylaws and ordinances, and managing municipally-owned conservation land. Since 1961, MACC has protected Massachusetts’ wetlands, open space, and biological diversity through our education and advocacy efforts.

Article 97 Lands

In 1972, Article 97 of the Massachusetts Constitution was adopted to protect land that has been preserved or put aside for agricultural, mineral, forest, water, air and other natural resources for public purposes. Lands acquired for conservation purposes under Article 97 have a protected status, and when it is necessary to convert or swap Article 97 lands, a municipality must seek legislative approval for the sale or conversion of the public land.

The Executive Office of Energy and Environmental Affairs (EEA) established an Article 97 Land Disposition Policy (also known as the “No Net Loss” Policy) in 1998. The policy outlines an approach to provide equivalent replacement land when selling, disposing, or converting Article 97 land.

Based on a survey of our members, the process of Article 97 land disposition is an unclear, challenging, and often expensive process for municipalities, especially when they get the process wrong. Passage of PLPA would codify into law the safeguards and protections of the No Net Loss Policy.

Why We Need the PLPA

Massachusetts has a finite amount of precious conservation lands, protected for current and future generations. All too often, protected conservation lands have been taken out of protection and converted to other uses without an open process, without a clear showing of necessity, and without any meaningful

consideration of replacement land. The PLPA will provide a clear, regulatory pathway to help preserve public lands.

This bill would ensure that the integrity of Article 97 is upheld. The PLPA will provide:

- A clearer “roadmap” of the process to undertake when transferring, changing the use of, or disposing of Article 97 lands;
- A more transparent and timely process for disposition of Article 97 land;
- Clearer understanding of conservation commission and regional planning agency involvement;
- Requirements for replacement land of comparable acreage, location and natural resource value (No Net Loss) of lands protected under Article 97, where feasible;
- Education to public owners about requirements and best practices to protect Article 97 land; and
- Requirements for assessment of the anticipated effect of regional climate change in the development of a proposed plan and any alternative options.

The PLPA has been reviewed by many MACC 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, provide transparency, and ultimately save money for our towns and cities.

We need to safeguard our public lands and open spaces. Public lands provide the Commonwealth with many benefits, including protecting drinking water supplies; clean air; supporting agriculture, forestry, recreation, and tourism; sequestering carbon; and buffering against flooding as storms become more violent due to climate change.

Preserving public lands has become an even greater priority as we work to increase climate change resiliency throughout the Commonwealth.

We respectfully ask for a favorable report on the *Public Lands Preservation Act*, S.459 and H.732.

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 initial "D".

Dorothy A. McGlincy, PG, LSP

Executive Director

dorothy.mcglincy@maccweb.org

cc: Representative Ruth Balser
Senator James Eldridge