



## Massachusetts Association of Conservation Commissions

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

### **Testimony in Favor of S.459 and H.732**

#### ***An Act protecting the Natural Resources of the Commonwealth***

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

**April 23, 2019**

Thank you, Senate Chair Gobi, House Chair Pignatelli, and members of The Joint Committee on Environment, Natural Resources and Agriculture for the opportunity to testify in favor of **S.459 and H.732**, *An Act Protecting the Natural Resources of the Commonwealth*.

My name is Dorothy McGlincy. I am the Executive Director of the Massachusetts Association of Conservation Commissions (MACC). MACC is the professional association of Massachusetts conservation commissions and other environmental experts. Each of the 351 cities and towns in Massachusetts has a conservation commission and we have more than 2,800 members across the state.

Massachusetts' conservation commissions are the municipal boards responsible for administering the state Wetlands Protection Act, municipal wetland bylaws and ordinances, and managing municipally-owned conservation land. Our association protects Massachusetts' natural resources through our education and advocacy efforts, and we have been doing this work since 1961.

MACC supports **S.459 and H.732** because the PLPA legislation will help preserve public lands protected under Article 97 of the Massachusetts Constitution. As you well know, back in the 1970s, Article 97 to the Massachusetts Constitution was a clear statement by the people of the Commonwealth of their right to a clean and healthy environment and for the protection of our valuable open spaces.

In 1998, The Executive Office of Energy and Environmental Affairs (EEA) established an Article 97 Land Disposition Policy (also known as the “No Net Loss” Policy). 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 not well understood, and it is often a challenging and 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. It will provide consistency, predictability and enforceable regulations to make sure open space is preserved for future generations and to help with climate change resiliency.

As I am sure you are aware:

- There are 69 legislators supporting House 732 and
- 27 legislators supporting Senate 459.

More than 100 public and private organizations have supported PLPA over the past two years including, but not limited to: ELM-Nature Conservancy-Trustees-Appalachian Mountain Club, Charles River Conservancy-Land Trusts-Mass Audubon – Massachusetts Rivers Alliance and many more.

I want to take a moment to discuss some concerns I have heard from the dissenting voice against this legislation: Massachusetts Municipal Association. MMA has historically opposed this legislation and it is perhaps more of a reflex from other years than due to true opposition. Although MMA supports the ban on plastic trash bags and they support climate change resiliency funding by the Governor, it is likely they will oppose PLPA. I am hoping to convince MMA not to oppose this bill this year, and hope to gain traction this month. However, their historic issue with the bill has been the following:

- *If it isn't broken, don't fix it.*

MACC respectfully suggests that the system is not working well on the municipal front, and clarifications are needed. Fixes are needed. Regulations are needed to make sure the no net loss policy has some “teeth” and requirements for replacement land.

- *Municipalities will have to pay more money to implement the new law.* MACC respectfully suggests that the municipalities have steep learning curves when trying to move forward with Article 97 dispositions. If the process is not done correctly, going back for a special Town Meeting is costly and time consuming. PLPA will help clarify the process.
- *EEA does not have the manpower to prepare regulations or implement PLPA.* MACC and many other groups are willing to assist with the regulatory process, as we have assisted MassDEP and other agencies in the past. If regulations are streamlined, clearly written, and checklists are utilized where possible, regulations can be effective. As a Licensed Site Professional, I have assisted with regulatory task forces with MassDEP and other regulatory entities. We can make this work.

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 these 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.