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In Support of H.2108/S.419 *An Act to Protect the Natural Resources of the Commonwealth*

April 27, 2017

Chairwoman Gobi, Chairwoman Cariddi, and Members of the Environment Committee:

On behalf of xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx, I am pleased to offer testimony in support of H.2108/S.419 *An Act to Protect the Natural Resources of the Commonwealth*, otherwise known as the Public Lands Preservation Act (PLPA), sponsored by Representative Balsler and Senator Eldridge.

[Provide 1-2 sentences about your organization, i.e. mission and number of members in Massachusetts]

With a growing population comes increased pressure to develop open space. This legislation would help preserve public land protected under Article 97 of the Massachusetts Constitution and would clarify, streamline, and add transparency to the process that municipal officials and the Executive Office of Energy & Environmental Affairs undergo for changes in use and transfers of Article 97 lands.

About Article 97

In the 1970s Congress responded to the second wave of environmentalism with landmark legislation to protect our environment and public health, and the people of Massachusetts (followed by the legislature) approved Article 97, which added a right to a clean environment to the state Constitution.

Under Article 97, lands acquired for the purposes of Article 97 have protected status, and their disposition must be approved by a two-thirds roll-call vote of the legislature. Each session, the legislature approves dozens of transfers of Article 97 land. A failure to provide replacement land in the case of such dispositions results in the loss of parks and open space for the people of Massachusetts.

No Net Loss

Protection of Article 97 land received a boost in 1998, when the Executive Office of Environmental Affairs created an Article 97 Land Disposition Policy, otherwise known as the “no net loss” policy. Land disposition refers to transfers of ownership, changes in control, or changes in use. The policy requires proponents to show a lack of feasible alternatives to disposing of Article 97 land. It also requires replacement land. This policy continues to be enforced by the Executive Office of Energy and Environmental Affairs (EOEEA) today.

Passage of the PLPA would ensure that the important safeguards and procedures in EOEEA's policy could not be eliminated after a change in leadership at EOEEA.

Why This Bill is Needed

There is increasing pressure to develop open space or give it away to private entities – both of which result in reduced public access. Communities around the state are grappling with demands for more housing, more parking, and more schools. Developing open space is often seen as a cost-effective path of least resistance. But we must acknowledge the important role parks and other open space has for our quality of life, our public health, and our economy.

What the PLPA would do

The PLPA requires that a municipality or state agency proposing disposition of or change in use of any lands or easements acquired for natural resource purposes (Article 97 land):

- Provide, in most cases, replacement land of comparable acreage, location, and natural resource value, i.e., *no net loss*.
- Notify the EOEEA Secretary and provide information that would allow the Secretary to assess the need for the disposition or change in use, the availability of feasible alternatives, and the suitability of the replacement land being provided. The Secretary would then issue a recommendation on the proposed disposition.

The bill provides exemption from the replacement land requirement where there will be no physical change in the land, any change will be temporary, the transfer or change is of buildings, or the parcel is of minimal size and natural resource value.

Changes in the PLPA

Rather than attempting to establish legislative policy, the revised version of the bill filed this session provides direction to the municipality or state agency seeking to change the use or otherwise dispose of Article 97 lands or easements. The bill also formalizes the current process EOEEA uses to vet any proposed change or disposition, requires early notification of EOEEA to facilitate the process, and requires EOEEA to make recommendations to the legislature.

We urge the Committee to provide a favorable report as soon as possible. Thank you for your consideration of this legislation.

Sincerely,

[Name

Organization if applicable

Address]