



Testimony Submitted in support of S.350 and H.1124, *An Act to Protect the Natural Resources of the Commonwealth* to the Joint Committee on Environment, Natural Resources and Agriculture

March 22, 2011

Thank you for the opportunity to testify in support of S.350 and H.1124 *An Act to Protect the Natural Resources of the Commonwealth*. The Massachusetts Association of Conservation Commissions (MACC) strongly supports passage of this bill, also known as the *Public Lands Preservation Act*. MACC is a nonprofit organization dedicated to educating and supporting Conservation Commissions, protecting wetlands and promoting acquisition and stewardship of conservation land.

Massachusetts' communities are faced with pressures to build new schools, recreational facilities, utilities, roads and private developments. Our cities and towns frequently turn to conservation land for these new uses, even though such developments often conflict with Article 97 of the Massachusetts Constitution. Article 97 requires that any land acquired for natural resource purposes shall not be used for other purposes unless the state Legislature approves the change by a two-thirds vote. Article 97 was intended to be a legislative check to ensure that conservation lands were not converted to inconsistent uses. Unfortunately, in the absence of clear standards, approving Article 97 votes have become routine legislative business. Nearly every land transfer proposal brought up for a vote in the Massachusetts Legislature is approved unanimously. In fact, votes on land transfers now constitute more than 20 percent of all roll call votes taken in the Legislature.

The *Public Lands Preservation Act* would ensure "no net loss" of ecologically valuable conservation land. While the bill allows for a change in use or disposition of Article 97 land, a change could only occur when the project proponent can show there is no feasible alternative. The proponent must also show that replacement land is of equivalent acreage and has the same market and natural resource value, ensuring "no net loss." The alternatives analysis and no net loss requirements may be waived where a disposition is of buildings, leads to no permanent physical changes in the land, is 2,500 square feet or less and has no significant environmental impact. The provisions of this bill would codify and be consistent with current policy and practice within the Executive Office of Energy and Environmental Affairs.

MACC urges the Environment Committee to report on this bill favorably.

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