



# MASSACHUSETTS LAND TRUST COALITION

## BOARD OF TRUSTEES

Janet Milkman  
President

Anna Wilkins  
Vice President

Vidya Tikku  
Clerk

Christa Collins  
Treasurer

Rachel Bruce

Cormac Collier

Buzz Constable

Mary Griffin

Rita Gibes Grossman

Jenny Hansell

Emily Myron

Diana Ruiz, PhD

Kristen Sykes

## EX-OFFICIO

Kathy Orlando  
Partner Engagement Chair

## STAFF

Robb Johnson  
Executive Director

Barbara Chrenko  
Programs Manager

Lauren Berk  
Development and  
Operations Coordinator

March 26, 2025

Secretary Rebecca Tepper  
100 Cambridge Street, Suite 900  
Boston, MA 02114  
via email: [Michael.gendron2@mass.gov](mailto:Michael.gendron2@mass.gov)

*Re: 301 CMR 52 - comments*

Dear Secretary Tepper:

Thank you for the opportunity to provide a second round of comments on draft regulations to guide implementation of M.G.L. Ch 3, section 5A, known as "An Act Preserving Open Space in the Commonwealth" (the Open Space Act). The Massachusetts Land Trust Coalition (MLTC) works to advance land protection in Massachusetts by supporting and strengthening 140 non-profit land trusts that conserve land for the benefit of all Commonwealth residents. As you know, land trusts have played and will continue to play pivotal roles in conserving many publicly owned parks and open spaces. That's why we worked hard, alongside EEA and many others, to pass the Open Space Act.

On behalf of MLTC, I am pleased to submit the following comments on the two matters for which you have requested additional input. These comments should be considered supplemental to those in a group sign-on letter submitted January 21, 2025, on which I was the lead signatory.

## Notification

As noted in our January 21 comment letter, every proposed change of use for Article 97 requires filing an Environmental Notification Form (ENF). Under the Open Space Act, EEA has an expressly defined role in every Article 97 disposition, so MEPA review thresholds should apply. Specifically, 301 CMR 11.03(1) (b) (3) states that "ENF and other MEPA review is required if the Secretary so requires" in the case of: "Disposition or change in use of land or an interest in land subject to Article 97 of the Amendments to the Constitution of the Commonwealth, unless the Secretary waives or modifies the replacement land requirement pursuant to M.G.L. c. 3, § 5A and its implementing regulations." The regulations should remind proponents that -- unless a proposed disposition meets the narrow requirements for waiver under the Open Space Act -- the proposed disposition is subject to MEPA filing and notice requirements, including posting in the Environmental Monitor and notice to community-based organizations and tribal organizations in accordance

with the MEPA Public Involvement Protocol. In addition, EEA should require posting the public notice to the Open Space Act Tracker on EEA's website, to be supplemented by additional materials as they become available. Finally, I would like to reiterate that the proponent should be required to post a physical notice in a highly visible location on the subject parcel or parcels. This would be in addition to posting the proposed change of use on the websites of both the proponent and the land-holding entity (if different.)

#### Methods for Determining Natural Resource Value

While sympathetic with the theoretical appeal and potential practical benefits of an [online tool](#) to facilitate desktop analysis on Natural Resource Value by EEA – as well as by disposition proponents and the concerned public – I was pleased to read in your [February 28<sup>th</sup> Notice to Reviewers](#) that this tool will be used as a supplement to other information provided by the proponent, the public and gathered through field observation. The tool may be of most use to experienced analysts at EEA, since users with only rare occasion to access it -- such as proponents and members of the public concerned with a particular Article 97 disposition -- will likely find it challenging to navigate, even if additional instructions are added. The online tool seems useful for early stages of analysis, with any impressions to be confirmed by other data and, most importantly, a field visit by those with a deep understanding of relevant natural resource values.

Thank you for your consideration of these comments, and for your ongoing efforts to ensure that the Commonwealth's Article 97 interests are protected and preserved to the maximum extent possible.

Sincerely,



Robb Johnson  
Executive Director