

Open Space Lands Fight Climate Change

Protect public open spaces with the

Public Lands Preservation Act

H.851

Lead Sponsors: Senator James Eldridge (Acton) and Representative Ruth B. Balseer (Newton)

In 1972, Massachusetts voters approved Article 97 of the state constitution to provide greater protection for open space lands such as parks, conservation areas, forests and watershed lands. Disposing of or changing the use of such municipal or state land requires a favorable two-thirds vote of each branch of the legislature.

The Public Lands Preservation Act (PLPA) would ensure for any dispositions of open space land covered by Article 97:

❖ **No Net Loss**

- PLPA would give the protection of law to the current state policy that there be *no net loss* of lands or easements protected under Article 97.
- Require that replacement land of comparable acreage, fair market value, location, and natural resource value be provided for each disposition.

❖ **Alternative Analysis**

- PLPA would codify the existing requirement that alternatives to a proposed disposition be examined.

❖ **Transparency**

- PLPA would require prior notification to the public and the Executive Office of Energy and Environmental Affairs (EOEEA).



See third page for text of bill.



Benefits of Preserving Public Land

- ❖ Reduce climate change by storing CO₂ in trees and soil¹
- ❖ Assist with climate change adaptation by acting as a buffer against floods and other natural disasters²
- ❖ Provide clean air
- ❖ Protect drinking water supplies
- ❖ Support agriculture, forestry, wildlife biodiversity and habitat, recreation, and tourism
- ❖ Promote physical and mental health as people get outside and into nature
- ❖ Provide in this time of COVID shutdown places for people to get outdoors and find recreation.

See next page for a list of over 150 environmental organizations, municipal officials and elected boards, CONCOMs, and land trusts that support the PLPA, including the Appalachian Mountain Club, Environmental League of Massachusetts, Clean Water Action, Massachusetts Association of Conservation Commissions, Mass Audubon, Massachusetts Chapter of the Sierra Club, The Nature Conservancy in Massachusetts, and The Trustees.

¹ According to ecological research at Cornell University, a 50-year old oak forest would absorb about 30,000 pounds of carbon dioxide per acre, over the course of a year. Ray, C. Claiborne. "Tree Power." *The New York Times*, The New York Times, 3 Dec. 2012.

² According to USGS, "In undeveloped areas such as forests and grasslands, rainfall and snowmelt collect and are stored on vegetation, in the soil column, or in surface depressions. In contrast, urban areas, where much of the land surface is covered by roads and buildings, have less capacity to store rainfall and snowmelt." Usgs. "Effects of Urban Development on Floods." *Effects of Urban Development on Floods*, 2016.

Supporting Organizations

Appalachian Mountain Club • Arborway Coalition • Association to Preserve Cape Cod • Berkshire Environmental Action Team • Berkshire Natural Resources Council • Boston Climate Action Network • Brookline GreenSpace Alliance • Buzzard's Bay Coalition • Charles River Conservancy • Charles River Watershed Association • Clean Water Action • Connecticut River Conservancy • Conservation Law Foundation • Emerald Necklace Conservancy • Environment Massachusetts • Environmental League of Massachusetts • Essex County Trail Association • Friends of Harold Parker State Park • Friends of Peru State Forest • Friends of Robinson State Park • Friends of the Blue Hills • Friends of the Burlington Landlocked Forest • Friends of the Middlesex Fells Reservation • Friends of the Public Garden • Gateways Farm • Green Berkshires • Gun Owners' Action League • Housatonic River Initiative • Jones River Watershed Association • Mass Audubon • Massachusetts Association of Conservation Commissions • Massachusetts Conservation Voters • Massachusetts Rivers Alliance • Massachusetts Rivers Alliance • Massachusetts Society of Municipal Conservation Professionals • Merrimack River Watershed Council • Metropolitan Area Planning Council • Nashua River Watershed Association • Native Plant Trust • New England Forestry Foundation • North Quabbin Regional Landscape Partnership • Sierra Club Massachusetts Chapter • Soule Homestead Education Center • Southeastern Massachusetts Pine Barrens Alliance • Southwest Corridor Park Management Advisory Committee • Sustainability Committee of Weston • Taunton River Watershed Alliance, Inc. • The Compact of Cape Cod Conservation Trusts, Inc. • The Esplanade Association • The Nature Conservancy • Wellington Farm

Supporting Municipal Officials and Elected Boards

Gerly Adrien (Everett City Councilor) • Caroline Bays (Watertown City Councilor) • Zac Bears (Medford City Councilor) • Dennis Carlone (Cambridge City Councilor) • Victoria Danberg (Newton City Councilor) • Caren Dunn (Waltham City Councilor) • Lisa Feltner (Watertown City Councilor) • Mark Forest (Yarmouth Selectman) • Paul Heroux (Attleboro Mayor) • Bill Humphrey (Newton City Councilor) • Alex Jarrett (Northampton City Councilor) • Brian LaPierre (Lynn City Councilor) • Alison Leary (Newton City Councilor) • Nicole Morell (Medford City Councilor) • Emily Norton (Newton City Councilor) • Ryan O'Malley (Malden City Councilor) • Orlando Pacheco (Lancaster Town Administrator) • Brian Palmucci (Quincy City Councilor) • Anthony Palomba (Watertown City Councilor) • Samantha Perlman (Marlborough City Councilor) • Jivan Sobrinho-Wheeler (Cambridge City Councilor) • Somerville City Council • Adam Steiner (Framingham City Councilor) • Cesar Stewart-Morales (Framingham City Councilor) • Thomas Sullivan (Haverhill City Councilor) • Laura Wagner (Marlborough City Councilor) • Wellesley Natural Resources Commission • Weston Planning Board • Weston Select Board • Bill White (Somerville City Councilor) • Winchester Select Board

Supporting Conservation Commissions

Andover • Arlington • Ashland • Berlin • Beverly • Boxford • Brewster • Brookline • Burlington • Carlisle • Carver • Chicopee • Concord • Conway • Danvers • Douglas • Dudley • Essex • Foxborough • Franklin • Gloucester • Hadley • Harvard • Haverhill • Hingham • Holden • Holliston • Hopkinton • Huntington • Ipswich • Kingston • Lawrence • Lee • Leverett • Lexington • Lincoln • Longmeadow • Medfield • Mendon • Newton • Norfolk • North Andover • Norton • Norwell • Palmer • Peabody • Pepperell • Plymouth • Provincetown • Rehoboth • Rockport • Rowley • Saugus • Sherborn • Somerville • Southwick • Stoneham • Stow • Sturbridge • Templeton • Topsfield • Wendell • Wenham • West Brookfield • Weston • Winchester • Winthrop • Worcester • Wrentham

Supporting Land Trusts

Barnstable Land Trust • East Quabbin Land Trust • Greenbelt - Essex County's Land Trust • Franklin Land Trust • Groton Conservation Trust • The Kestrel Trust • Lincoln Land Conservation Trust • Massachusetts Land Trust Coalition • Mount Grace Land Conservation Trust • Newton Conservators • North County Land Trust • Richmond Land Trust • Sheffield Land Trust • Sudbury Valley Trustees • The Trustees of Reservations • The Trust for Public Land • Wachusett Greenways • Waltham Land Trust • White Oak Land Conservation Society

PUBLIC LANDS PRESERVATION ACT

Official title: An Act Preserving Open Space in the Commonwealth

SECTION 1. Chapter 3 of the General Laws is hereby amended by inserting after section 5 the following section:-

Section 5A. (a) In order to change the use of or otherwise dispose of land or easements taken or acquired pursuant to Article XCVII of the Amendments to the Constitution of the commonwealth or designated in perpetuity for Article XCVII purposes, the commonwealth, any agency, authority, board, bureau, commission, committee, council, county, department, division, institution, municipality, officer, quasi-public agency, public instrumentality or any political subdivision thereof, shall: (i) perform an alternatives analysis and notify the public and the secretary of energy and environmental affairs; (ii) identify replacement land, not already so taken, acquired or dedicated, that is of equal or greater natural resource value as determined by the secretary of energy and environment, acreage, fair market value and of comparable location; and (iii) dedicate the replacement land identified pursuant to clause (ii) in perpetuity for the same Article XCVII purposes. Upon request, the secretary of energy and environmental affairs may waive the replacement land requirement pursuant to clauses (ii) and (iii) of the first sentence, if the disposition is a transfer between public entities and does not involve any other change, including, but not limited to, a change allowing the land to be used for other purposes.

(b) Any petition to the general court to authorize the use for other purposes or otherwise dispose of land or easements taken or acquired pursuant to Article XCVII of the Amendments to the Constitution of the commonwealth or designated in perpetuity for Article XCVII purposes shall be accompanied by the alternatives analysis and a description of the land to be dedicated pursuant to subsection (a) or a copy of any waiver provided for in said subsection (a).

SECTION 2. The secretary of energy and environmental affairs shall promulgate regulations to implement subsection (a) of section 5A of chapter 3 of the General Laws within 1 year of passage of this act.

For more information contact Jacob Stern, Deputy Director of the Massachusetts Chapter of the Sierra Club (jacob.stern@sierraclub.org)

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