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Governor Baker signs Public Lands Preservation Act into law!

BOSTON—Late Thursday, November 17, 2022, Governor Charlie Baker signed into law *An Act preserving open space in the Commonwealth* (H.5381), also known as the Public Lands Preservation Act (PLPA), thus ending a more than two decade effort to codify a policy of “no net loss” of public land.

The coalition of local, regional, and national land conservation and environmental organizations who have been advocating for the PLPA deeply appreciate the collaboration between the Legislature and the Executive Office of Energy and Environmental Affairs that has enabled us to reach this historic moment. The coalition thanks Governor Baker for signing the bill into law, thereby ensuring the protection of our public lands into the future!

“I have worked for the entire 24 years I have served in the legislature on this bill because I love the outdoors and cherish our protected land,” said bill sponsor *Representative Ruth Balser (D-Newton)*. “Ensuring that the intent of Article 97 of the state constitution is achieved has been worth the time and effort. I am grateful to Speaker Mariano and House Ways and Means Chair Aaron Michlewitz for recognizing the value of this legislation and to the conference committee members, especially Senator DiDomenico, for working with me and Senator Eldridge to get it across the finish line.”

This bill will provide clarity and transparency to ensure No Net Loss of conservation land by:

- Codifying into law an existing administrative process that requires replacement of public parks and conservation land that are converted to a different use.
- Providing transparency and accountability in the limited cases when cash payments are allowed in lieu of contemporaneously designating replacement land to be conserved.
- Requiring that any cash payments be expended on comparable replacement land within 3 years.

The bill was reported out of a conference committee and enacted by the legislature on November 10th. The coalition of 13 organizations supporting the bill thank the members of the conference committee—Senator Sal DiDomenico (D-Everett), Representative Ruth Balser (D-Newton), Senator Jamie Eldridge (D-Action), Representative James O’Day (D-West Boylston), and Representative Susan Gifford

(R-Wareham)—for their hard work to enact the PLPA and Senate President Karen Spilka (D-Ashland) and House Speaker Ronald Mariano (D-Quincy) for bringing it to final passage.

"I'm grateful to Governor Baker for signing the Public Land Preservation Act (PLPA) into law, the landmark public land protection bill in a generation," said *State Senator Jamie Eldridge (D-Acton)*. "I'm extremely proud to have filed the PLPA with Rep. Ruth Balsler since I first joined the Senate, and I'm grateful to Senate President Spilka for championing the bill this session. This bill would not be law without the tremendous advocacy by the state's incredible conservation groups, and the tenacity of conservation leader Mr. Phil Saunders, whose persistence on this bill for almost three decades I will always remember. Our cherished public lands will be more strongly protected now, for all of the public to enjoy."

Background

The PLPA was introduced more than 20 years ago to strengthen and codify into law the Commonwealth's longstanding No Net Loss administrative policy, which states that any public open space (Article 97 land) converted to a different use must be replaced with land of equivalent financial and natural resource value and defines a process for doing so. Two-thirds of legislator's approval is required, and is commonplace. The final legislation defines certain limits on the ability to set aside cash payments in lieu of replacement conservation land and ensures increased transparency and accountability in instances where it is allowed.

By adopting Article 97 as an amendment to the Massachusetts Constitution in 1972, the people of the Commonwealth asserted their right to a clean and healthful environment and the protection of ever more valuable open spaces. Fifty years later, it is clearer than ever that natural areas are critical to the well-being and resilience of communities, especially Environmental Justice communities. Our public open spaces help us mitigate and adapt to a changing climate, improve the outdoor recreation economy, enhance public health, and protect wildlife habitat. By codifying and improving the state's No Net Loss policy into law, this important legislation upholds the will of voters who adopted Article 97 by ensuring that public open space cannot be developed for other uses, unless alternative options have been fully evaluated and land of equivalent natural resource value is designated to replace it.

Representatives of the organizations advocating for the bill had the following to say:

"We must avoid converting precious parks and conservation land to other uses -- and when there is no alternative, we must dedicate new conserved land in its place. It's a huge win that the "No Net Loss" policy is now codified into law," said *Robb Johnson, Executive Director, Mass Land Trust Coalition*.

"Massachusetts Association of Conservation Commissions is thrilled the Public Lands Preservation Act has been signed into law! The protection of open space is critical to protecting wetlands and mitigating

impacts from climate change,” said *Dot McGlinchy, Executive Director, Massachusetts Association of Conservation Commissions.*

“My father, Philip Saunders, dedicated the last two decades of his life to advocating for the Public Lands Preservation Act and led the coalition supporting the bill right up until his death in May. He even continued to work on it from his hospital bed through his final illness. It is an honor to work alongside Representative Balser, Senator Eldridge, and the organizations and individuals supporting this bill to achieve his legacy and vision for no net loss of public land,” *Elizabeth Saunders, Massachusetts Director, Clean Water Action.*

“We are thrilled that Governor Baker signed this critical legislation into law and grateful to legislative leaders for their hard work and support,” said *Trustees Senior Director of Government Relations Linda Orel.* “This is the season to be thankful and we are grateful that more than two decades of collaboration and partnership with state agencies has made this a reality. We can think of no better way to honor the 50th anniversary of the passage of Article 97 than codifying the right to a clean environment.”

“We offer a huge thank you to Governor Baker and the legislature for their leadership. Conserving, managing, and restoring natural and working lands is essential to achieving our net zero climate change goals and protecting biodiversity. Passing the PLPA honors and ensures the longevity of land conservation efforts by establishing a clear and transparent process for providing a replacement when conserved land is taken for other purposes,” said *Steve Long, Director of Policy and Partnerships for The Nature Conservancy in Massachusetts.*

“This much needed landmark legislation will forever end the attempts to circumvent the state’s Article 97 open space no net loss policy by making that policy state law. Mass Conservation Voters is proud to have been a part of the team of advocates and lawmakers that helped make this happen,” said *MCV Executive Director Doug Pizzi.*

“Thanks to relentless community advocacy over the past 20 years, we have finally strengthened one of our fundamental public land protections,” said *Deb Pasternak, State Director for the Sierra Club Massachusetts chapter.* “The benefits of protecting open space are numerous and widespread, from helping fight climate change, to improving the quality of life for people accessing those spaces, to supporting wildlife biodiversity and habitat. This victory will provide consistency, predictability, and enforceable regulations to ensure open space is preserved for future generations.”

“This landmark law recognizes that parks and protected open spaces are more important than ever, and that the myriad benefits they provide must be protected with rigorous and consistent standards, said *Heidi Ricci, Director of Policy and Advocacy at Mass Audubon.* We are grateful to the Governor and Legislature for enacting this new layer of protection for these precious lands, ensuring that communities retain their access to nature.”

“Public lands are vital for climate resilience—reducing flooding, cleaning the air and water, and mitigating urban heat island effect,” says *Jen Ryan, Deputy Director of Advocacy at Charles River*

Watershed Association. “We thank Governor Baker for signing into law permanent protections for these critical open spaces to ensure healthy, resilient watershed for future generations, and thank Sen. Jamie Eldridge and Rep. Ruth Balser for their leadership.”

“We thank the Governor for codifying this overdue protection of open space, and we are grateful for the enduring legacy and commitment of Phil Saunders, Rep. Balser, and Sen. Eldridge, without whom we would not be in the position to celebrate today,” said *ELM Action Fund Executive Director Casey Bowers.*

“Public lands are critical as open spaces to bring people together, for our well-being, and as essential natural assets for clean air, clean water, and climate resilience,” said *Heather Clish, Appalachian Mountain Club Senior Director of Conservation and Recreation Policy.* “We are grateful to the Governor and to the Legislature for this important law that will now will ensure these values are truly permanently protected”

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