



**Testimony submitted to the Joint Committee on Environment, Natural Resources and
Agriculture**

**In Support of H.851/ S.524: An Act preserving open space in the Commonwealth
By Carolyn Lee, LWVMA Specialist on Natural Resources
May 18, 2021**

Article 97 of our constitution was created to assure the preservation of critical open land in the Commonwealth. We need this specific legislation to assure that is accomplished by requiring that the “no net loss” policy adopted in 1998 by the Executive Office of Environmental Affairs (EOEEA) can actually be achieved. Requiring that petitions for changing the use or disposing of land under Article 97 of the Massachusetts Constitution be accompanied by an actual analysis of alternatives and an identification and dedication of replacement land is essential. This bill allows the Secretary of Energy and Environmental Affairs to waive the requirement for replacement land for transfers between public entities without a use change.

This bill, sponsored by Sen. James Eldridge and Rep. Ruth Balsler, makes a matter of law the policies that have been in effect, but subject to change when the EOEEA leadership changes. There are dozens of transfers approved each year that have not actually had any analysis done, merely an assertion that there are no alternatives available and that any proposed replacement is appropriate. This legislation eliminates that possibility, by codifying into law the current policy and requiring transparency regarding the process and nature of supposed replacement land. This would put a barrier to those transfers in law. With increasing development pressures resulting in reduction of open space, and especially after we all learned the importance of open space in the past 14 months, we need to pass this bill now.

The League of Women Voters of Massachusetts is over 3000 members in 47 local leagues from Cape Cod to the Berkshires working to effect change on a wide range of issues, including natural resources and the environment. Since 1986, the League of Women Voters of Massachusetts has supported the policy that natural resources should be managed as interrelated parts of life-supporting ecosystems. Resources should be conserved and protected to assure their future availability. Since this bill was passed in the house in the prior session, but not taken up by the senate, it is gratifying to see it being heard early in this session. Passage cannot come soon enough.

Thank you for your consideration.