



**SIERRA  
CLUB**  
FOUNDED 1892

MASSACHUSETTS CHAPTER

Massachusetts Sierra Club  
10 Milk Street, Boston, MA 02108-4621  
(617)423-5775  
office@sierraclubmass.org • www.sierraclubmass.org

### **Article 97, Public Lands Preservation Act**

*Formal Title: An Act Protecting the Natural and Historic Resources of the Commonwealth*  
*Rep. Balsler, Sen. Eldridge*  
*H1124/S350*

Requires replacement lands for parks being used or transferred from protected status. Will help protect our parks and forests from development.

Article 97 of the Amendments to the Massachusetts Constitution requires that lands or easements taken or acquired for natural resource purposes not be used for other purposes or disposed of without a two-thirds vote of each branch of the legislature.

Article 97 lands include parks, playgrounds, forests, reserves, conservation land, beaches, and watersheds. Designed as a 'check' to preserve the public trust, so-called Article 97 votes have become routine. In 2009-2010 the legislature approved dispositions of interests in or changes in use of over 100 parcels of state or municipal lands, many of them Article 97 lands. The result has been a constant attrition of public lands acquired with public funds or donated by citizens, as development pressures increase and communities, state agencies, and even private parties look for building sites.

What the PLPA would do: This legislation declares that it is the policy of the Commonwealth that there be no net loss of lands or easements protected under Article 97. The bill establishes the framework to guide legislators' decisions on whether to approve bills that would transfer state and municipal Article 97 land. The bill codifies the existing "ad hoc" system legislators and the Administration rely on to conduct their "due diligence."

The PLPA requires that for Article 97 land to be disposed of or changed in use the proponent

- Conduct an alternatives analysis, and
- Provide replacement land of comparable acreage, market value, location, and natural resource value, i.e., no net loss.

The Public Lands Preservation Act or PLPA (*a.k.a. the Article 97 bill and the No-net-loss bill*), would be a statement of legislative policy to approve change in use or disposition of Article 97 land, only when there is no feasible alternative and if replacement land of equivalent acreage, market value, and other public natural resource value is provided.