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CHAPTER

Massachusetts Sierra Club

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February 3, 2014

Chairwoman Anne M. Gobi
Joint Committee on Environment, Natural Resources and Agriculture
State House, Room 473F, Boston, MA 02133

Chairman Marc R. Pacheco
Joint Committee on Environment, Natural Resources and Agriculture
State House, Room 312B, Boston, MA 02133

Re: Massachusetts Sierra Club Testimony

- a. in *opposition* to S.345, An Act relative to land taking regulations**
- b. in *support* of H.756, An Act relative to the Mass. Endangered Species Act**

Dear Chairwoman Gobi, Chairman Pacheco, and Honorable Members of the Committee,

The Massachusetts Legislature is considering revisions to the state Endangered Species Act (MESA) which would result in an effective repeal of endangered species protections in the Commonwealth. MESA, like the US EPA's endangered species Act, protects rare species and their habitats by prohibiting the "take" of any plant or animal listed by the Massachusetts Division of Fisheries & Wildlife (DFW) as "Endangered, Threatened, or of Special Concern."

The Sierra Club is the oldest and largest grassroots non-profit and non-partisan environmental organization in the country, with over 1.4 million members and supporters nationwide. Its chapter in Massachusetts has over 22,000 members throughout the state and a history of protecting the environment that spans more than forty years. We work to create healthy, vibrant communities through support of clean air and water; clean energy; recycling and waste-elimination; and the preservation of the Commonwealth's most treasured forests, parks and open spaces.

In the last legislative session, the legislature's Joint Committee on Environment approved "An Act relative to land takings" (S1854, Sen. Gale Candaras). If enacted, this bill would have ...

- Placed impossible and unprecedented requirements on the Division of Fisheries & Wildlife (DFW), undoing current protections for the 435 species of native animals and plants at risk in Massachusetts.
- Injected uncertainty, delays, and conflict in the project review process, leading to potential fines and lawsuits against landowners and developers.
- Up-ended long-standing appeal procedures and case law putting DFW on different footing than every other agency in the Commonwealth.
- This unfunded agency mandate would have created an unworkable system leaving endangered species unprotected.

How did this happen?

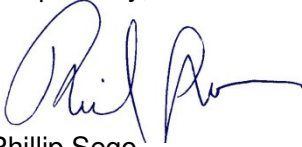
A well known developer who was disappointed in a ruling that protected an endangered species on his land, decided that the only way he could build was to gut the State's entire Endangered Species Act. His proposed bill would limit the authority of the MESA by taking away the state's ability to protect endangered species and their habitats, except in very limited circumstances.

In an editorial by Tom Vannah of the Valley Advocate, he stated that the so-called "Pepin Bill" would have gutted the state's environmental protection for endangered species.

Fortunately, in the last session, the bill did not pass. Instead, farsighted legislative leaders turned course and supported a compromise bill backed by Mass Audubon, the Sierra Club, and a large number of environmental and sportsmen's associations. Though it too did not pass, the compromise bill took a step forward by moving on from the House Committee on Ways and Means.

Because this proposed compromise legislation, H.756 would have a significant positive impact for the environment and the threatened species of the Commonwealth and beyond, the Sierra Club fully supports the adoption of H.756 and rejection of S.345, and furthermore hopes that it is supported by all members of the Massachusetts Senate and House of Representatives. We respectfully request that the Environment and Natural Resources Committee report this bill favorably.

Respectfully,

A handwritten signature in blue ink, appearing to read "Phillip Sego", with a stylized flourish at the end.

Phillip Sego
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