

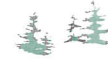


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*Protecting land and encouraging land stewardship in North Central Massachusetts*

Testimony on House Bill 3690,  
*An Act relative to the conveyance of an easement in the town of Sandisfield, Massachusetts*  
Before the Joint Committee on State Administration and Regulatory Oversight  
Public Hearing November 10, 2015

The Honorable Joan B. Lovely  
Senate Chair, Joint Committee on  
State Administration & Regulatory Oversight  
State House, Room 413A  
Boston, MA 02133

The Honorable Peter V. Kocot  
House Chair, Joint Committee on  
State Administration & Regulatory Oversight  
State House, Room 22  
Boston, MA 02133

Madam Chair, Mr. Chair, and Committee Members,

Thank you for the opportunity to comment. My name is Leigh Youngblood. I am the executive director of Mount Grace Land Conservation Trust, which has helped protect hundreds of Article 97 public lands.

It is well-known that the FERC deck is stacked in favor of approving natural gas pipelines. The Commonwealth need not make the process even easier for Kinder Morgan, especially not at the expense of public trust assets held in its care on behalf of citizens.

Several parcels of Article 97 land are the subject of this Bill, one conserved in 1934 and Spectacle Pond, conserved in 2007. Soon Kinder Morgan will seek a vote on, literally, between 100 to 200 additional Article 97 parcels for the NED project.

In relation to interstate natural gas pipelines, Article 97 has a unique role. Because of federal pre-emption, even if this Bill is defeated, the easements could still be taken by Kinder Morgan using eminent domain powers, assuming an approval certificate is eventually granted by FERC.

But, FERC's own policy, PL-99-3, states:

**"The strength of the benefit showing will need to be proportional to the applicant's proposed exercise of eminent domain procedures."**

In other words, the legislature's defeat of Article 97 bills for interstate pipelines simply raises the bar against which Kinder Morgan must prove the net benefits of a project.

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It is worth revisiting the purpose and history of Article 97 of our Constitution:

In part, it provides that:

"The people shall have the right to clean air and water, ..., and the natural, scenic, historic, and esthetic qualities of their environment;

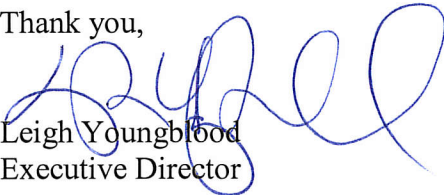
and[,] the protection of the people['s] right to the conservation ... of... natural resources is hereby declared to be a public purpose."

Retired Senator Robert D. Wetmore was in the House of Representatives when he sponsored the Article 97 legislation. Senator Wetmore served a total of twelve years in the House and ten terms in the Massachusetts Senate, beginning in 1965. Because of his leadership, Article 97 received unanimous approval in a joint session of the Legislature on Aug 5th, 1970. And then in November 1972 the voters approved Article 97 by referendum.

I am here, today, to urge the Committee to defeat Bill 3690.

Distinctive public resources should not be sacrificed for projects of questionable merit when less destructive alternatives are available. Please, do your part to raise the bar on the burden of proof before sacrificing the rights of the people and prior public commitments.

Thank you,

A handwritten signature in blue ink, appearing to read "Leigh Youngblood", is written over the printed name and title.

Leigh Youngblood  
Executive Director

Residence: Warwick, MA