



Legislative Affairs

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Good morning,

I am Karen Heymann Legislative Director for Mass Audubon. Thank you for the opportunity to comment in opposition to H.3690, *An Act relative to the conveyance of an easement in the town of Sandisfield, Massachusetts*.

Mass Audubon is the largest conservation organization in New England, protecting nature for people and for wildlife for over 100 years. Together with over 100,000 members we conserve over 35,000 acres of land, educate schoolchildren and adults through our network of nature sanctuaries, and advocate for the protection of our environment.

The proposed pipeline project will traverse almost 2 miles within the Otis State Forest and impact more than 20 acres of state-owned parklands on which the Tennessee Gas Pipeline company does not presently hold an easement. This bill would authorize a permanent easement on 6.19 acres as required through the Article 97 disposition process.

Mass Audubon strongly objects to and opposes the proposed Article 97 disposition. We played a central role in acquiring this land and transferring it to the Commonwealth with the expectation that the land would be permanently protected for conservation.

At the time of acquisition, the 900-acre Lower Spectacle Pond property through which the proposed pipeline will be constructed had been a land protection priority for the Commonwealth for decades, with two parties who each owned 1/2 undivided interest in the land not able to agree on its fate. From our perspective, it was critical to ensure that the entire parcel, which included a rare opportunity to protect an entire Great Pond, as well as old growth forest and other significant natural resources, was protected.

When the opportunity finally arose to purchase the property, it became apparent that the state would not be able to act quickly enough to stave off the sale of 1/2 of the interest in the parcel to a developer. Mass Audubon quickly obtained \$1.5 million in loans and worked with the town and state to secure permanent protection for the entire 900 acres – with the expectation that the state would purchase the entire property, which it ultimately did.

The \$5.2 million purchase protected land containing a 400-year old eastern hemlock old growth forest, rare plant and animal species, historic sites, mature deciduous woodlands, rolling meadows and the entire 62-acre Lower Spectacle Pond. Mass Audubon incurred well over \$100,000 of staff time, consultant fees and other costs which were never recovered. However, if we had not acted, it is almost certain that one of the last opportunities to protect such a rare and significant resource area would have been lost.

The protection of this land is more significant today than it was when the previous two pipelines at this site were constructed. Lower Spectacle Pond property is part of an interconnected area of protected open space encompassing more than 8,500 acres including BioMap Core Habitat, a conservation planning tool designation used to describe the most ecologically valuable lands in the Commonwealth by the Massachusetts Division of Fisheries and Wildlife. Over the past 20 years, conserving landscape connectivity has emerged as a key conservation strategy for protecting the integrity of the Commonwealth's natural landscape and the health of wildlife populations. Fragmentation of intact blocks of forest and wildlife corridors and the added impacts of climate change are major threats to our ecosystems, habitats and species and threaten our ability to obtain the resources we rely on such as the clean drinking water and working lands that support our economy. The proposed pipeline would permanently degrade and fragment this valuable state asset, which in addition to its high conservation value, offers significant recreational opportunities.

According to our analysis, the proposed mitigation for project impacts to the Article 97 land and wetlands is grossly inadequate considering the significant, long-term impacts on public interests associated with these resources. For example, construction of the pipeline is up gradient of a sensitive wetland area (Clam River corridor) and a rare stand of trust old growth hemlocks (425 years). A plan to withdraw a large amount of water from ecologically sensitive Lower Spectacle Pond for pipeline pressure testing could be very damaging to the pristine quality of the pond's water. Further, we believe there is no land of similar natural or cultural characteristics available for mitigation thereby making it difficult, if not impossible, to meet the state's established goal of no-net loss of conservation land.

Mass Audubon opposes **H.3690** and any other legislation related to conveyances of conservation land for pipeline construction if significant environmental conflicts or uncertainties exist within the scope of the proposed project. We urge you to oppose this and any such legislation.

Thank you.