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May 2, 2012

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

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

Subject: An Act Relative to Land Taking Regulations (S1854)

Dear Senator Pacheco and Representative Gobi:

The Association to Preserve Cape Cod (APCC), Cape Cod's nonprofit environmental advocacy organization, writes in vigorous opposition to An Act Relative to Land Taking Regulations (S1854), which would strip the Massachusetts Endangered Species Act (MESA) of its effectiveness and do irreparable harm to the Commonwealth's rare plant and animal species and the habitat they need in order to survive.

The proposed S1854 would require the Natural Heritage and Endangered Species Program (NHESP), which is responsible for protecting rare species and implementing MESA, to restrict its review of development projects to only those projects that are proposed in areas designated as "Significant Habitat." However, NHESP protects rare species through designation of Priority Habitat and Estimated Habitat areas; there is currently no Significant Habitat designation in Massachusetts. This statutory technicality would intentionally eliminate the authority of the state to regulate activities in Priority Habitat and Estimated Habitat areas, essentially rendering NHESP powerless to protect rare species and undermining the very purpose of MESA.

In many respects, Massachusetts serves as a national model for its environmental protection laws, and MESA has been a shining example of our state's commitment to conservation and natural resource protection for nearly 20 years. We cannot afford to turn back the clock on a concept as fundamental as protecting our rare and endangered species.

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Thank you very much for the opportunity to provide comments on this critically important issue.

Sincerely,



Ed DeWitt
Executive Director



Don Keeran
Assistant Director

cc: Senate President Therese Murray
Senator Daniel Wolf
Representative Timothy Madden
Representative Cleon Turner
Representative Demetrius Atsalis
Representative David Vieira
Representative Sarah Peake
Representative Randy Hunt
Representative Susan Williams Gifford