



Friends of the Middlesex Fells Reservation

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Secretary Ian A. Bowles
EOEA, Attn: MEPA Office
Ann Canaday, EOEA No. 14115
100 Cambridge Street, Suite 900
Boston MA 02114

November 27, 2007

Dear Secretary Bowles,

The proposed Lantana parking lot land deal for transferring more than three acres of Blue Hills parkland to private commercial ownership, as outlined in the ENF for EOEA no. 14115, would bring harm to the Blue Hills Reservation and directly violates long standing covenants and EOEEA Article 97 public land disposition policy which requires agencies representing the Commonwealth to protect its citizens public open space.

The Friends of the Middlesex Fells Reservation shares the concerns of many that allowing the Lantana company, a private business, to acquire Blue Hills Reservation parkland would create a precedent leading to additional proposals to destroy Commonwealth parklands for business parking lots and other commercial uses.

EOEEA and DCR must oppose this land deal which would sacrifice public benefit for private profit.

Accepting the premise that the right dollar amount can be acceptable “mitigation” for parkland destruction is nothing less than saying that these resources – set aside for public enjoyment, public health and natural resource protection – are for sale to the highest bidder. Our parklands are not for sale. EOEEA and DCR must use their power to prohibit this Blue Hills parkland from becoming private property.

EOEEA and DCR must insist on a thorough review of this disposition proposal, requiring a full Environmental Impact Report as required under 301 CMR 11.00, including Section 61 findings drafted by the Department of Conservation and Recreation.

Blue Hills Lantana land transfer proposal violates EOEEA Article 97 Land Disposition Policy

Article 97 of the Amendments to the State Constitution charges the government of the Commonwealth to protect parklands as a public purpose. On June 6, 1973 the Massachusetts Attorney General issued an Opinion on the Amendment which specified that,

"Article 97 seeks to prevent government from ill-considered misuse or other disposition of public lands and interests held for conservation, development or utilization of natural resources. If the land is misused, a portion of the public's natural resources may be forever lost, and no less so than by outright transfer. Article 97 thus provides a new range of protection for public lands far beyond existing law and much to the benefit of our natural resources and to the credit of our citizens."

The case of the Lantana is exactly one of "ill-considered misuse" for which Article 97 was promulgated. The Blue Hills Reservation land transfer would serve no public purpose. On the contrary, the land deal is clearly described as solely providing benefit to a private company for economic gain – to free up a parking lot for commercial development by destroying public parkland. The section of land proposed for the "swap" is by no means comparable in aesthetic or natural values and would not make the Blue Hills Reservation whole in the wake of the proposed Lantana transfer.

This proposed land transfer fails to comport to the EOEEA's conditions for disposition exceptions. From **EOEA ARTICLE 97 LAND DISPOSITION POLICY February 19, 1998** we find clear guidance: **"EOEA and its agencies shall not support an Article 97 land disposition unless EOEA and its agencies determine that exceptional circumstances exist."** Destroying parkland to add to a private business profit margin cannot be construed as an overarching exceptional need.

Further, EOEEA Article 97 policy requires that **"all other options to avoid the Article 97 disposition have been explored and no feasible and substantially equivalent alternatives exist"** in order to **"avoid using/affecting Article 97 land to the extent feasible,"** yet in this case no alternatives analysis has been carried out.

Moreover EOEEA's disposition policy requires that **"the disposition of the subject parcel and its proposed use do not destroy or threaten a unique or significant resource (e.g., significant habitat, rare or unusual terrain, or areas of significant public recreation), as determined by EOEA and its agencies,"** yet it is clear that three point two acres of significant Blue Hills park land deeded 70 years ago specifically for public use and providing direct public benefit would be sacrificed for conversion into a parking lot.

This transfer would clearly violate EOEEA's policy for honoring the intent of land donors; EOEEA's policy requires that **"the disposition of a parcel is not contrary to the express wishes of the person(s) who donated or sold the parcel or interests therein to the Commonwealth."**

Please spend a few minutes looking at photographs of the Blue Hills park property which would be destroyed. Now imagine it is 1936 and you are the Olive James family who has decided to deed this land over to the Commonwealth for use as parkland in perpetuity. Do you believe this land parcel would have been deeded to the Commonwealth if the family knew then that 70 years later this property would be removed from public use so it could be turned into a parking lot for the economic benefit a well connected

businessman? What kind of a chilling message would it be to the present generation of potential land donors to discover that EOEEA and DCR care so little about protecting publicly made gifts of land?

The former Attorney General got it right when he wrote regarding Article 97 land **“If the land is misused, a portion of the public's natural resources may be forever lost, and no less so than by outright transfer.”**

The environmental community and the public at large expect that your agency will uphold your mandate to protect environmental and recreational qualities of public lands by preventing this ill-advised disposition of Blue Hills Reservation parkland.

Sincerely,



Mike Ryan
Executive Director

cc. Commissioner Richard Sullivan, DCR
Friends of Blue Hills