

COMMONWEALTH OF MASSACHUSETTS
THE GENERAL COURT
STATE HOUSE, BOSTON 02133-1053

April 3, 2007

Dear Colleagues,

We write today to outline our opposition to H. 3757, Governor Patrick's legislation intended to exempt certain tidelands development from licensing under Chapter 91 of the Massachusetts General Laws. We believe strongly that the development of such lands should be subject to a determination of the public interest through the licensing process.

We are not opposed to development nor are we opposed to the Governor's goal of expediting the state permitting process. Rather, we want to ensure community and environmental interests are protected. The Governor's bill would strip the public of its right to participate in a public licensing process for development on landlocked filled tidelands.

As elected officials from Boston, Cambridge and Somerville, we have seen firsthand the positive effects of new commercial and residential developments that take into account community and neighborhood input. However, H. 3757 would codify the removal of the legislature, municipal governments and private citizens from the development process for certain historic tidelands. It would do so just when the rights and interest of the public in such lands has been clarified and strengthened by the Supreme Judicial Court in its recent decision *Moot vs. DEP*.

House Bill 3757 would effectively reinstate the blanket licensing exemption that the Supreme Judicial Court found to exceed the authority of the Department of Environmental Protection. While you may have heard from developers with property in your district about a "cloud" on their land title, we do not want to forfeit the public interest in the Chapter 91 process in our haste to cure their perceived issues of land title. There are surely ways to accommodate the legitimate interests of landowners and developers with the legitimate interests of our constituents.

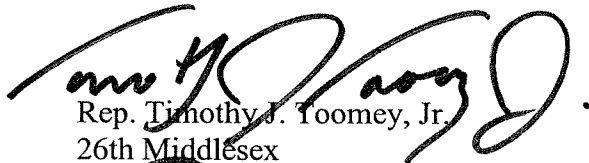
Should Governor Patrick's proposal be hurried through the Legislature, developers of tidelands would have little reason to take into account serious public concerns over environmental issues created by new tidelands developments. Nor would residents and elected officials have any real leverage to ensure that new developments do not fundamentally change the character of neighborhoods and communities built on tidelands.

We see no reason to reduce legislative power as well as the capacity of the local governments and people we represent to have input into the redevelopment of public tidelands. We recognize that this matter is time-sensitive and needs to be resolved relatively quickly. However, that does not mean that members of the Legislature should simply accept DEP's mistaken interpretation of the language and support a bill that would strip us of any power over the future development of important lands in the Commonwealth.


We are eager to work with you, the Governor and the administration to craft a compromise bill that (1) definitively settles any concerns over the titles of long-standing buildings and public projects; (2) ensures that ongoing and future developments remain part of the Chapter 91 licensing process, providing for public input and appropriate environmental review; and (3) addresses the problem of expediency in the Chapter 91 licensing process.

If you have any questions about H. 3757 and its impact on your constituents, we urge you to contact our offices. The hearing on H. 3757 is this Thursday, April 5 at 1:00 PM in Room A-1

Sincerely,



Rep. Timothy J. Toomey, Jr.
26th Middlesex



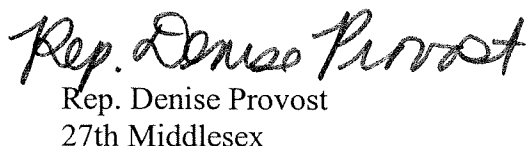
Rep. Byron Rushing
9th Suffolk



Rep. Alice Wolf
25th Middlesex



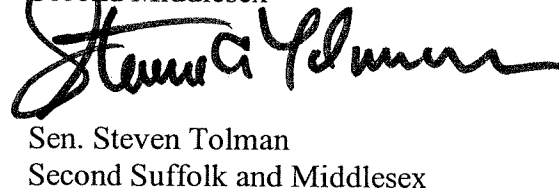
Rep. Carl Sciortino
34th Middlesex



Rep. Denise Provost
27th Middlesex



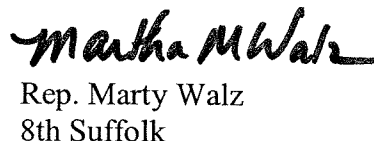
Sen. Patricia Jenlen
Second Middlesex



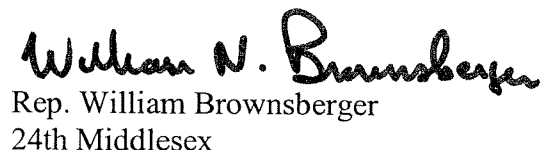
Sen. Steven Tolman
Second Suffolk and Middlesex



Rep. Rachel Kaprielian
29th Middlesex



Rep. Marty Walz
8th Suffolk



Rep. William Brownsberger
24th Middlesex