

**SENATE . . . . . No. 3105**

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**The Commonwealth of Massachusetts**

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CHARLES D. BAKER  
GOVERNOR

OFFICE OF THE GOVERNOR  
**COMMONWEALTH OF MASSACHUSETTS**  
STATE HOUSE · BOSTON, MA 02133  
(617) 725-4000

KARYN POLITO  
LIEUTENANT GOVERNOR

*August 10, 2022*

To the Honorable Senate and House of Representatives,

Pursuant to Article II of Section I of Chapter I of Part II of the Constitution of the Commonwealth of Massachusetts, as amended by Section 1 of Article XC of the Amendments to the Constitution of the Commonwealth of Massachusetts, I am returning to you with objection Senate Bill No. 3091, “An Act authorizing the town of Nantucket to convey certain parcels of land acquired for conservation or recreational purposes” (“S.3091” or “Bill”). I would note that S.3090 was admitted to the legislature on July 28th of this year, less than 4 days before the end of the legislature's formal session. Given the abbreviated timeline, the bill was not subject to the normal scrutiny of the legislative process as might normally occur.

S.3091 would authorize the town of Nantucket to transfer, sell, or otherwise dispose of land that was acquired for conservation or recreational purposes and is protected under Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts to the Nantucket Conservation Foundation, Inc. The Bill authorizes the town to transfer the land under and terms and conditions that the select board deems appropriate and does not require a conservation restriction or other measure to protect the land in perpetuity.

In order to for this project to move forward, the town of Nantucket may use other lands, that are not currently protected under Article 97, in order to compensate the Nantucket Conservation Foundation, Inc. However, if the town would like to use Article 97 protected lands as mitigation, then the Bill needs to include mitigation or compensation for removing this land from Article 97. As drafted, the Bill does not ensure mitigation or compensation and therefore

violates the “No Net Loss Policy” established by the Executive Office of Energy and Environmental Affairs to protect against the loss of public lands. The policy requires that any transfer of public lands must be mitigated by dedicating or acquiring replacement land for Article 97 purposes. As the Bill does not require mitigation, it does not comply with this policy and could result in a net decrease in the land in the commonwealth protected under Article 97.

For the reasons stated above, I am vetoing the Bill.

I approve the remainder of this Act.

Respectfully submitted

Charles D. Baker,  
*Governor*