

HOUSE No. 5637

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, July 31, 2026.

The committee on Ways and Means, to whom was referred the Senate Bill authorizing the Massachusetts Department of Fish and Game to convey easements over certain parcels of land (Senate, No. 3236), reports recommending that the same ought to pass with amendments striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 5637; and by striking out the title and inserting in place thereof the following title: “An Act authorizing the department of fish and game to convey easements over certain parcels of land in the town of Bourne.”.

For the committee,

AARON MICHLEWITZ.

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In the One Hundred and Ninety-Fourth General Court
(2025-2026)

By striking out all after the enacting clause and inserting in place thereof the following:—

1 SECTION 1. (a) Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the
2 General Laws or any other general or special law to the contrary, the commissioner of capital
3 asset management and maintenance, in consultation with the commissioner of fish and game,
4 may convey, amend, assign or otherwise transfer to Algonquin Gas Transmission, LLC a 50 foot
5 wide permanent right-of-way and easement in the town of Bourne for: (i) the purpose of
6 constructing, maintaining and operating a pipeline, together with any and all necessary or useful
7 appurtenances thereto; (ii) the transmission of natural gas and all by-products thereof; and (iii)
8 permanent access roads necessary to access such facilities. The easements may be granted on the
9 properties described in subsection (b) currently held for fish and wildlife conservation, natural
10 habitat protection and associated public recreation in accordance with Article 97 of the
11 Amendments to the Constitution of the commonwealth. The grant of the easement shall be on
12 such terms and conditions as the commissioner of capital asset management and maintenance, in
13 consultation with the commissioner of fish and game, may determine.

14 (b) The easements described in subsection (a) may be granted on parcels more
15 particularly described as the following: located within Joint Base Cape Cod, shown on the town
16 of Bourne’s assessor’s map as tax parcel number 44.0_50_0 and tax parcel number 17.0_3_0.

The easements and permanent access roads are approximately 5.272 acres, as more particularly shown as “Proposed New Perm. Easement” and “Perm. Access Rd” on Sheets 1-5, and 17 of 17 of the plans entitled, “Area of Permanent Easement & Temporary Workspace Commonwealth of Massachusetts,” Tracts G-31-MA-BA-023 and G-32-MA-BA-001, prepared by Vanasse Hangen Brustlin, Inc. and dated August 1, 2025; and shown as “Proposed New Perm. Easement” and “Perm. Access Rd” on Sheets 2, 3, 6, and 7 of 7 of the plans entitled, “Area of Permanent Easement & Temporary Workspace Commonwealth of Massachusetts,” Tracts G-31-MA-BA-025 and G-32-MA-BA-001.001, prepared by Vanasse Hangen Brustlin, Inc. and dated August 1, 2025.

SECTION 2. In consideration for the conveyance authorized in section 1, and to ensure no net loss of land subject to Article 97 of the Amendments to the Constitution of the commonwealth, Algonquin Gas Transmission, LLC shall convey to the commonwealth an approximately 7.00 acre parcel of land shown as, “Proposed Conveyance to: Department of Fish and Game” on a plan entitled “Plan of Land Stop & Shop Supermarket Company, LLC Bourne, MA” dated May 20, 2026, prepared by Vanasse Hangen Brustlin, Inc., for the purposes of fish and wildlife conservation, natural habitat protection and associated public recreation in accordance with said Article 97.

SECTION 3. (a) Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the General Laws or any other general or special law to the contrary, the commissioner of capital asset management and maintenance, in consultation with the commissioner of fish and game, may convey, amend, assign or otherwise transfer to Algonquin Gas Transmission, LLC a 50 foot wide permanent right-of-way and easement in the town of Bourne for: (i) the purpose of constructing, maintaining and operating a pipeline, together with any and all necessary or useful

appurtenances thereto; (ii) the transmission of natural gas and all by-products thereof; and (iii) permanent access roads necessary to access such facilities and temporary workspaces necessary for the construction of said facilities. The easements may be granted on the properties described in subsection (b) currently held for fish and wildlife conservation, natural habitat protection and associated public recreation in accordance with Article 97 of the Amendments to the Constitution of the commonwealth. The grant of the easement shall be on such terms and conditions as the commissioner of capital asset management and maintenance, in consultation with the commissioner of fish and game, may determine.

(b) The easements described in subsection (a) may be granted on parcels more particularly described and located within Joint Base Cape Cod: (i) shown on the town of Bourne's assessor's map as tax parcel number 44.0_50_0, and Tax Parcel Number 17.0_3_0. The easements and permanent access roads are particularly shown as, "Proposed New Perm. Easement" and "Perm. Access Rd" on the plans entitled, "Area of Permanent Easement & Temporary Workspace, Commonwealth of Massachusetts," Tracts G-31-MA-BA-023 and G-32-MA-BA-001, prepared by Vanasse Hangen Brustlin, Inc. and dated August 1, 2025; and shown as "Proposed New Perm. Easement" and "Perm. Access Rd" on the plans entitled, "Area of Permanent Easement & Temporary Workspace, Commonwealth of Massachusetts," Tracts G-31-MA-BA-025 and G-32-MA-BA-001.001, prepared by Vanasse Hangen Brustlin, Inc. and dated August 1, 2025; and (ii) shown on the town of Bourne's assessor's map as tax parcel number 10.0_7_0, more particularly shown on the plan entitled, "Area of Permanent Easement & Temporary Workspace Commonwealth of Massachusetts," Tract G-31-MA-BA-007, prepared by Vanasse Hangen Brustlin, Inc. and dated August 1, 2025.

SECTION 4. (a) The value of the easements described in sections 1 and 3 and the value of the property interest to be conveyed to the commonwealth pursuant to section 2 shall be determined by an independent appraisal prepared in accordance with the usual and customary professional appraisal practice by a qualified appraiser commissioned by the commissioner of capital asset management and maintenance. The commissioner of capital asset management and maintenance may, in consultation with the commissioner of fish and game, accept an appraisal of said easements and property interest conducted prior to the effective date of this act. The commissioner of capital asset management and maintenance shall submit the appraisal to the inspector general for review and comment. The inspector general shall review and approve the appraisal, and the review shall include an examination of the methodology used for the appraisal. The inspector general shall prepare a report of his review and file the report with the commissioner of capital asset management and maintenance for submission by the commissioner to the house and senate committees on ways and means and the joint committee on state administration and regulatory oversight. The commissioner of capital asset management and maintenance shall submit copies of the appraisals and the inspector general's report to the house and senate committees on ways and means and the joint committee on state administration and regulatory oversight before the execution of the conveyances.

(b) Algonquin Gas Transmission, LLC shall compensate the commonwealth in an amount greater than, or equal to, the full and fair market value, or the value in use of the easements authorized in sections 1 and 3, whichever is greater, as determined by the independent appraisals. The commonwealth shall not be obligated to pay any consideration to Algonquin Gas Transmission, LLC if the appraised value of any parcels or interests conveyed to the commonwealth exceeds the value of the easements authorized in section 1 and 3. Any money

85 paid to the commonwealth by Algonquin Gas Transmission, LLC pursuant to the conveyance of
86 the easements authorized by this act shall be deposited in the Biodiversity Fund established by
87 section 35D½ of chapter 10 of the General Laws, to be used for future land acquisition by the
88 department of fish and game.

89 (c) If the independent appraisal pursuant to subsection (a) shows that the fair market
90 value or value in use, whichever is greater, of the interests described in section 1 are not equal to
91 or greater than the fair market value or value in use, whichever is greater, of the property interest
92 to be conveyed to the commonwealth pursuant to section 2, then Algonquin Gas Transmission,
93 LLC shall compensate the commonwealth in an amount equal to or greater than this difference in
94 monetary value. Any money paid to the commonwealth by Algonquin Gas Transmission, LLC
95 pursuant to the conveyance of the easements authorized by this act shall be deposited in the
96 Biodiversity Fund established by section 35D½ of chapter 10 of the General Laws, to be used for
97 future land acquisition by the department of fish and game.

98 SECTION 5. Algonquin Gas Transmission, LLC shall be responsible for all costs
99 associated with engineering, surveys, appraisals, document preparation and other expenses
100 deemed necessary by the commissioner of capital asset management and maintenance to effect
101 the conveyances authorized by this act.; and
102 by striking out the title and inserting in place thereof the following title: “An Act authorizing the
103 department of fish and game to convey easements over certain parcels of land in the town of
104 Bourne.”.