

SENATE No. 01988

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven.

AN ACT RELATIVE TO AN EXCLUSIVE AND PERPETUAL EASEMENT
WITHIN MONROE STATE FOREST.

Whereas, The deferred operation of this act would tend to defeat its purpose,
which is to

facilitate forthwith easements necessary for the maintenance of electrical tie lines
within Monroe State Forest, therefore it is hereby declared to be an emergency law,
necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court
assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding sections 40E to 40J, inclusive, of chapter 7 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
conservation and recreation, may grant permanent easements over, under and through
portions of certain parcels of land in the Monroe State Forest in the town of Monroe, to
Massachusetts Electric Company, its successors and assigns, solely for the purposes of
clearing of vegetation in connection with the construction, operation and maintenance of
an electrical tie line for a wind power facility, subject to sections 3 and 4, and to such
reasonable additional terms and conditions consistent with this act as the commissioner of
capital asset management and maintenance, in consultation with the commissioner of
conservation and recreation, may prescribe. The parcels are more particularly described
in a deed to the Commonwealth of Massachusetts recorded in the Franklin county
registry of deeds in book 690, page 231. The permanent easement to be granted shall

apply to 8,000 square feet of land in the aggregate, more or less, as more fully described on plans prepared by Hill-Engineers, Architects, Planners, Inc., and numbered respectively as drawings VE-106 - 108, dated April 18, 2008 and labeled as "Clearing Area #1" through "Clearing Area #8", as filed with the department of conservation and recreation. Modifications to the easement description set forth in the plans described above may be made in order to conform with a final land survey, as accepted by the division and the department, before any conveyance to carry out this act.

SECTION 2. The full and fair market value of the easements described in section 1, or the value in use as proposed, shall be determined by 1 or more independent appraisals as commissioned by the commissioner of capital asset management and maintenance. The grantee of these easements shall compensate the commonwealth in an amount greater than or equal to the full and fair market value, or the value in use of these easements as proposed, whichever is greater, as determined by the independent appraisals. For the purposes of any appraisal, the full and fair market value of the area to be conveyed shall be calculated with regard to its full development potential as assembled with other abutting lands owned or otherwise controlled by Massachusetts Electric Company, if any. The commissioner of capital asset management and maintenance shall submit any such appraisals and any report thereon to the inspector general for review and comment. Notwithstanding any general or special law to the contrary, the inspector general shall review and approve an appraisal, including an examination of the methodology used for the appraisal. The inspector general shall prepare a report of the review and file the report with the commissioner of capital asset management and maintenance and copies of the same shall be filed with the house and senate committees on ways and means and the house and senate committees on bonding, capital expenditures and state assets.

The commissioner of capital asset management and maintenance shall, 30 days prior to executing a grant of easement authorized by this act, or any subsequent amendment thereto, submit the proposed easement or amendment and a report thereon to the inspector general for review and comment. The inspector general shall issue the review and comment within 15 days after receipt of the proposed easement or amendment. The commissioner shall submit the proposed easement or amendment, and the reports and the comments of the inspector general to the house and senate committees on ways and means and the house and senate committees on bonding, capital expenditures and state assets at least 15 days before the execution of the conveyance or amendment.

SECTION 3. To ensure a no-net-loss of lands protected for conservation purposes, the granting of any easements authorized in section 1 shall only occur if the easement holder has mitigated, or caused to be mitigated, the impact and conveyed, or caused to be conveyed, to the commonwealth or its designee land or an interest in land to

be held by the department of conservation and recreation or its designee, for conservation purposes. The land or interest in land shall be of greater value than as determined in accordance with section 2 and shall be acceptable to the department, in its discretion.

SECTION 4. Notwithstanding any general or special law to the contrary, Massachusetts Electric Company, or its successors and assigns, shall be responsible for all costs and expenses including, but not limited to, costs associated with any engineering, surveys, appraisals and deed preparation directly related to the conveyance authorized in this act, as those costs may be determined by the commissioner of capital asset management and maintenance.