



**The Southeastern Massachusetts Bioreserve  
and  
Current Development Proposals at the 300-acre Fall River/Freetown  
BioPark Site**

**Statement by The Trustees of Reservations**

June 21, 2010

Who we are:

Founded in 1891, The Trustees of Reservations (“The Trustees”) is one of the nation's oldest non-profit conservation organizations. Supported by 100,000 members statewide, The Trustees protect Massachusetts' scenic, natural and historic resources for public use and enjoyment. From working farms to historic homesteads and barrier beaches to mountain vistas, The Trustees own and manage more than 100 properties (“reservations”), all open to the public. These “reservations” are an invaluable component of our Massachusetts’ heritage. Urban centers and green spaces are also very valuable to Massachusetts, and have deep roots in The Trustees’ mission. As a statewide land conservation organization, The Trustees believe that healthful and prosperous cities are the lifeblood of the Commonwealth. We value the importance of environmentally responsible economic development within our cities, for prosperity today and for future generations. Given this importance, The Trustees have been assisting several cities, including Fall River, with urban revitalization, urban green space conservation, as well as the development and maintenance of recreational facilities. Specifically, The Trustees have been working in Fall River to provide financial and technical resources to local revitalization projects, such as bike paths, playgrounds and community gardens.

Southeastern Massachusetts Bioreserve and the 300-Acre “BioPark” Site:

Fall River is home to a very important water resource that provides safe, clean drinking water to its city’s residents and businesses. The 13,600 acre Bioreserve, located in the eastern half of Fall River and Freetown, is the result of a unique partnership that has preserved, for the public’s benefit, these significant drinking water resources as well as extensive wildlife habitat and forests, and public recreational opportunities. Many organizations, state agencies, municipal officials and individuals came together over ten years ago to protect 13,600 acres in Fall River and Freetown, creating the Bioreserve and the first partnership of its kind in Massachusetts. The Trustees, the Commonwealth and the City of Fall River made significant investments to establish the Bioreserve and provide to the City of Fall River a 300-acre site (from the Freetown-Fall River State Forest) to expand its very limited land base for industrial/commercial development. The Trustees, as an original partner in the Bioreserve, fully supports the decisions that were negotiated between the City of Fall River and Commonwealth of Massachusetts regarding the 300-acre “Biopark” site adjacent to the current Fall River Industrial Park.

Those decisions included two crucial components.

- *The 300 acres transferred from the Commonwealth to the Fall River Redevelopment Authority required a two-thirds vote of the Massachusetts House and Senate.* Such votes are required by the Massachusetts Constitution when publicly owned, protected land is transferred to non-conservation uses. The two-thirds legislative approval was granted in 2002 under certain conditions, including the prohibition of landfills and casinos as uses for the 300-acre property. In addition, the Department of Conservation and Recreation (DCR) imposed numerous environmental and land use restrictions in the deed to the 300-acre property. Mitigating and minimizing the potential development impacts of this formerly protected land were important considerations of the 2002 vote. The Commonwealth approved the new Route 24 ramp in the context of this entire package of conditions and restrictions.
- *The transfer of land to the Fall River Redevelopment Authority was also conditioned upon a 100-year deed restriction granted to The Trustees of Reservations over 50 acres of the 300-acre property; as well as restrictive covenants held by the Commonwealth of Massachusetts on the 300 acres generally.* The purpose of those restrictions, which run with the land should the Fall River Redevelopment Authority ever transfer it, is to minimize the impact of future development of the 250 acres and to protect water resources, forest resources and habitat within the Bioreserve. The Trustees will continue to uphold and defend its 50-acre deed restriction and to urge careful and rigorous consideration of proposed changes in the restrictive covenants held by the Commonwealth of Massachusetts.

The Trustees are concerned about three major issues related to the proposed casino at the Biopark site:

- We believe that the Massachusetts Constitution requires a two-thirds legislative vote in order to remove the “no casino” prohibition, which is an integral part of the 2002 vote to transfer the 300 acres to the Fall River Redevelopment Authority. The vote to remove the Article 97 protection was predicated upon the prohibitions contained within the legislation. We believe that the conditions of that property conveyance are binding beyond the transfer of the property itself. Therefore, we believe that any legislation that would modify those conditions must also require a two-thirds legislative vote.
- We believe that a thorough environmental analysis of the proposed casino development on the 250 acres should be conducted prior to a two-thirds vote removing the “no casino” restriction. The environmental impacts of the proposed BioPark have been fully researched in compliance with the Massachusetts Environmental Policy Act (MEPA) and with public review and comment, ensuring that development impacts of the proposed BioPark would be minimized. However, the potential impacts of the proposed casino are currently unknown and have not been reviewed through the same rigorous process.
- All of the Bioreserve partners, including The Trustees, recognize the need for future economic development within the City of Fall River. Because open land is scarce within the City, in 2002 the Bioreserve partners agreed that the 300 acres now owned by the Fall

River Redevelopment Authority would provide the base for that future economic development. The City of Fall River, Fall River Redevelopment Authority, Commonwealth of Massachusetts and The Trustees agreed that 250 of the 300 acres would be developed, and The Trustees agreed to hold a restriction on the remaining 50 acres to ensure a protective buffer to the Bioreserve's resources. During the MEPA process The Trustees and Massachusetts Audubon Society commented that the 50-acre buffer area was the absolute minimum area needed to protect the adjacent Bioreserve property from the proposed Biopark development. The proposed casino development, as it has been discussed over the past several weeks, is purported to be much larger than the Biopark in scope and scale. As such, it may require different or greater requirements and protections in order to minimize the impacts on the Bioreserve. There is no way to determine those requirements and protections until a detailed proposal is made and thoroughly studied.

The Trustees believe well-planned economic development is critical to Fall River's re-emergence as a sustainable community. The Trustees encourage the City of Fall River to continue to pursue viable, sustainable, "green" economic development projects that will benefit its current and future residents, while not compromising the integrity of the adjacent Bioreserve. The Trustees also encourage the Massachusetts General Court to give careful and thorough consideration to the Article 97 issues related to removing the restrictions and conditions of the 2002 Senate and House votes that authorized the conveyance of the 300 acres from DCR to the Fall River Redevelopment Authority.

**Contact:**

Jennifer Holske, South Coast Conservation Director  
The Trustees of Reservations  
Phone: (508) 636-7038  
Email: [jholske@ttor.org](mailto:jholske@ttor.org)

Wesley T. Ward, Vice President for Community Conservation  
The Trustees of Reservations  
Phone: (978)-846-4446  
Email: [wward@ttor.org](mailto:wward@ttor.org)