

SENATE No. 683

The Commonwealth of Massachusetts

SENATE, May 23, 1961.

The committee on Bills in the Third Reading to which was referred the Senate Bill relating to the acquisition of land in the Sudbury and Concord river valleys (Senate, No. 637), reports recommending that the same be amended by substituting therefor a new draft entitled "An Act granting the consent of the commonwealth to the acquisition by the United States of certain areas in the Sudbury and Concord River Valleys for the purposes of the Migratory Bird Conservation Act and authorizing the division of fisheries and game and the commissioner of natural resources to acquire certain other lands in said areas" (Senate, No. 683), and that, when so amended, the same will be correctly drawn.

For the committee,

FRANCIS X. McCANN.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty-One.

AN ACT GRANTING THE CONSENT OF THE COMMONWEALTH TO THE ACQUISITION BY THE UNITED STATES OF CERTAIN AREAS IN THE SUDBURY AND CONCORD RIVER VALLEYS FOR THE PURPOSES OF THE MIGRATORY BIRD CONSERVATION ACT AND AUTHORIZING THE DIVISION OF FISHERIES AND GAME AND THE COMMISSIONER OF NATURAL RESOURCES TO ACQUIRE CERTAIN OTHER LANDS IN SAID AREAS.

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

1 SECTION 1. The consent of the commonwealth is hereby
2 given to the acquisition by the United States, by condemna-
3 tion, purchase, gift, devise or lease, of the areas, hereinafter
4 described, of land or water, or of land and water, in the com-
5 monwealth, for the establishment of migratory bird reserva-
6 tions in accordance with the federal Migratory Bird Conserva-
7 tion Act, reserving, however, to the commonwealth, full and
8 complete jurisdiction and authority over all such areas not
9 incompatible with the administration, maintenance, protec-
10 tion and control thereof by the United States under the terms
11 of said Act.

12 Said areas are bounded and described as follows:

13 (1) Approximately three thousand two hundred acres of
14 flood plain marsh situated at or below elevation one hundred
15 and twenty feet above mean sea level, located in the towns
16 of Sudbury, Wayland, Lincoln and Concord and extending from
17 Stone Bridge road in the town of Wayland to South Great
18 road in the town of Lincoln;

19 (2) Approximately one thousand three hundred acres of
20 flood plain marsh situated at or below elevation one hundred
21 and eighteen feet above mean sea level, located on either side
22 of the Concord river within the towns of Concord, Carlisle,
23 Bedford and Billerica, between the southern tip of Greenough

24 pond in the town of Carlisle and the northern boundary of
25 the Great Meadows National Wildlife Refuge in the town of
26 Concord.

27 The consent of the commonwealth is hereby given also to
28 the acquisition by the United States under said Migratory Bird
29 Conservation Act of such contiguous areas of upland and wet-
30 land, within said towns and above such elevations, as may be
31 necessary for the operation, maintenance and development of
32 said areas for the purposes of said Migratory Bird Conserva-
33 tion Act; provided, however, that in the event it is proposed
34 to acquire said lands above such elevations by condemnation,
35 consent thereto shall be subject to the approval of the board
36 of selectmen in any town in which the land proposed to be
37 acquired is located. If such board fails to approve or dis-
38 approve within thirty days after receipt of written notice
39 thereof from the United States or the appropriate agency
40 thereof, such board shall be deemed to have approved thereof.

41 This section shall not be construed as granting the consent
42 of the commonwealth to the acquisition by the United States,
43 by condemnation, of any dwelling houses and structures ac-
44 cessory thereto, or of any lands used or under construction for
45 use as a golf course or any municipal lands, provided said
46 lands were so used, under construction, or owned on or before
47 April first, nineteen hundred and sixty-one.

1 SECTION 2. For the purposes of fish and wildlife manage-
2 ment, the division of fisheries and game in the department of
3 natural resources is hereby authorized to acquire by purchase,
4 gift or transfer from other agencies of the commonwealth,
5 approximately five hundred acres of wetlands in the town of
6 Sudbury, bounded by Lincoln road and North road, and con-
7 tiguous to the Pantry brook management area under control
8 of said division.

9 The director of the division of fisheries and game may make
10 rules and regulations regarding the use of said area.

1 SECTION 3. The commissioner of natural resources, with
2 the approval of the board of natural resources, is hereby au-
3 thorized to acquire, under the provisions of section three of

4 chapter one hundred and thirty-two A of the General Laws,
5 approximately one thousand acres of flood plain marsh and
6 land located between Route No. 117 in the towns of Lincoln
7 and Concord and Route No. 2 in the town of Concord, con-
8 sisting of such portion of the marsh and land at or below the
9 one hundred and twenty foot contour interval above mean
10 sea level on both sides of the Sudbury river as the commis-
11 sioner may determine.

12 Said commissioner shall not acquire marsh or land de-
13 scribed in this section until one year after the effective date
14 of this act; nor shall said commissioner acquire any such
15 marsh or land which has been conveyed in fee or encumbered
16 by restrictive agreements, easements or other limitations
17 which will limit the use of such marsh or land to uses which
18 will, in so far as practicable, preserve the same in its natural
19 state, in favor of the Concord land conservation trust, the
20 Lincoln land conservation trust, the town in which such marsh
21 or land lies, through its conservation commission, or the
22 Secretary of the Interior of the United States, or encumbered
23 by such restrictive agreements, easements or other limitations
24 in favor of the commissioner of natural resources.

25 The consent of the commonwealth is hereby given to any
26 such conveyance to or encumbrance in favor of said Secretary
27 of the Interior of the United States in accordance with the
28 provisions of this section.

1 SECTION 4. The division of fisheries and game is hereby
2 authorized to expend such sums as may be appropriated for
3 the purposes of section two.