

Substituted by the House, on motion of Mr. Wetmore of Barre and as amended by Mr. Nolen of Ware, for the Senate Bill providing for the conservation and the regulation of the use of certain lands comprising the Quabbin section of the Metropolitan Water District under the control of the Metropolitan District Commission (Senate, No. 1591). November 10.

**The Commonwealth of Massachusetts**

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

**AN ACT PROVIDING FOR THE CONSERVATION AND REGULATION OF CERTAIN LANDS UNDER THE CONTROL OF THE METROPOLITAN DISTRICT COMMISSION.**

*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. For the purpose of this act, the following terms  
2 as used shall have the following meanings unless the context  
3 otherwise requires:

4 "Commission", the metropolitan district commission.

5 "Commissioner", the commissioner of said commission.

6 "Ware River Watershed", those parcels of land under the  
7 control of the metropolitan district commission and being  
8 situated wholly or partly in the towns of Rutland, Oakham,  
9 Barre, Hubbardston, Templeton and Princeton and being shown  
10 on plan of land entitled "Ware River Watershed, General Plan,"  
11 dated November 22, 1965, Metropolitan District Commission,  
12 Commonwealth of Massachusetts on file in the office of the  
13 Metropolitan District Commission.

14 "Quabbin Reservoir Area", those parcels of land including the  
15 Prescott Peninsular, so-called, under the control of the metropol-  
16 itan district commission and being situated wholly or partly in  
17 the towns of Orange, Pelham, Belchertown, Ware, Hardwick,  
18 Petersham, New Salem, Shutesbury, Wendell, and Barre and  
19 being shown on a plan of land entitled "General Plan of Quabbin  
20 Reservoir Watershed, dated February 18, 1959, Metropolitan

21 District Commission—Water Division—Quabbin Section—Com-  
22 monwealth of Massachusetts on file in the office of the  
23 metropolitan district commission.

24 “District”, the combined lands identified in this act as the  
25 Ware River Watershed and the Quabbin Reservoir Area, which are  
26 a portion of the total lands comprising the Quabbin Section of  
27 the Metropolitan Water District.

1 SECTION 2. The natural ecology of the district shall be  
2 maintained, and it shall be conserved in its present degree of  
3 wilderness character and shall be protected in its flora and fauna  
4 in all reasonable ways to assure the balanced wildlife habitat as  
5 presently conformed. Except as otherwise specifically author-  
6 ized herein, no act or practice shall be undertaken which will  
7 adversely affect the balance of nature in the area. The commis-  
8 sion shall make and promulgate such rules and regulations  
9 regarding the uses authorized herein as are reasonably necessary  
10 to conserve the wilderness, watershed and reservoir character of  
11 the district.

1 SECTION 3. No lands or real property which are a part of the  
2 district shall be leased or sold nor shall there be any new or  
3 additional construction on said lands or real property except by  
4 the metropolitan district commission without approval of the  
5 general court.

1 SECTION 4. No new or additional roads or ways shall be  
2 constructed within the district, excepting only such ways as shall  
3 be required for forest management and fire control, nor shall  
4 existing soft surface roads or ways be hard surfaced, provided,  
5 however, that existing ways shall be maintained and kept  
6 passable and in repair.

1 SECTION 5. The commission shall not permit the dumping of  
2 refuse or waste within the district.

1 SECTION 6. No person shall take or remove and no town  
2 within the district shall authorize the taking or removal of sand,  
3 gravel, dirt or soil, nor any other mineral, from or within the

4 district, except only that the commission may take such of these  
5 materials as are required to maintain and repair present roads and  
6 ways within the district in their existing condition or form.

1 SECTION 7. Management of the forests of the district shall be  
2 supervised by a forester, hereinafter called forester, and one or  
3 more assistant foresters who shall be appointed by the commis-  
4 sioner, each of whom shall be a graduate of a duly accredited  
5 school of forestry or university department of like nature. The  
6 forester shall prepare and submit to the commissioner both short  
7 and long term plans or programs of intended forest management,  
8 which plans shall describe in detail proposed plantings, cuttings,  
9 or other forestry activities. The commissioner, or the forester  
10 under his direction, shall once each year prepare a similar plan  
11 detailing the forestry activities, lumbering or logging activities,  
12 proposed plantings, and the like which are to be undertaken  
13 during the next following year, which plan shall be open to  
14 inspection by the public.

1 SECTION 8. Lumbering and logging operations shall be  
2 permitted within the district to the extent and for the purpose of  
3 maintaining and conserving its forests in a healthful state of  
4 natural ecological balance, but such lumbering or logging  
5 operations shall not be of a tree farming nature, so called,  
6 wherein natural diversification of tree species is upset nor  
7 wherein wildlife habitat or food chain growth is adversely  
8 affected. All lumbering or logging operations shall be performed  
9 under private contract pursuant to the bidding laws of the  
10 commonwealth, excepting only for such emergency salvage  
11 operations as are deemed necessary by the forester, the proceeds  
12 of which shall be used in whole or in part for the further  
13 management of the selfsame forests, and shall be supervised by  
14 the forester who shall designate cuttings and who shall make and  
15 enforce such rules as are necessary regarding disposal of slash and  
16 toppings, construction of logging ways or ramps, or the like to  
17 conserve said forests within the intent of this act. No tree shall be  
18 felled or cut within one hundred feet of any river or stream or  
19 flow line of reservoir or pond within the district, where it would  
20 change the character of stream beds, except for such emergency  
21 or salvage cuttings as aforesaid.

1 SECTION 9. The public shall have access to the lands of the  
2 district for such recreational uses as are permitted by, and are  
3 consistent with the provisions of this act, except that the  
4 Prescott Pensinsula shall be set aside as a natural site for  
5 ecological and wildlife study and access thereto shall be regulated  
6 by the commission.

1 SECTION 10. Hunting may be permitted within the Ware  
2 River Watershed and the Quabbin Reservoir Area except in that  
3 portion which lies within the bounds of Routes 9, 32, 32A, 122  
4 and 202 as located on the effective date of this act, subject to the  
5 rules and regulations of the metropolitan district commission and  
6 division of fisheries and game regulating hunting.

1 SECTION 11. Powered boats or powered canoes shall not be  
2 used anywhere within that portion of the Ware River Watershed  
3 lying within the bounds of Routes 68, 62, 122, 122A, and 56,  
4 nor shall they be used elsewhere on the east or west branches of  
5 the Ware River. All-terrain or amphibious vehicles shall not be  
6 operated in, on or through the streams, ponds or other waters of  
7 the district. Unpowered boats and unpowered canoes may be  
8 permitted within the Ware River Watershed, on South Spectacle  
9 Pond, Pottapaug Pond, and Hacker Pond. Powered boats may  
10 continue to be used in those portions of the Quabbin Reservoir  
11 Area where their use is permitted by regulation on the effective  
12 date of this act.

1 SECTION 12. There shall be no overnight camping within the  
2 district, and no tents shall be erected nor trailers or other  
3 vehicular sleeping accommodation be parked overnight.

1 SECTION 13. No new or additional picnic areas shall be  
2 designated or constructed within the district, except that new or  
3 expanded picnic areas may be constructed adjacent to the picnic  
4 areas in the Quabbin Reservoir Area which are in such use on the  
5 effective date of this act, and along numbered highways  
6 elsewhere in the district. Such newly constructed picnic facilities  
7 alongside numbered highways shall not penetrate into the lands  
8 of the district more than three hundred feet from said numbered

9 highway and shall be furnished with adequate rubbish, waste and  
10 sanitary facilities. Open fires and campfires shall not be permit-  
11 ted within the district except within permanent fireplaces  
12 constructed by the commission for the purpose.

1 SECTION 14. Public entry to the Quabbin Reservoir Area  
2 shall be limited to foot passage only, except that motor vehicles  
3 and manually operated bicycles may be admitted to such roads  
4 and ways within the Quabbin Reservoir Area as shall be  
5 designated by the commission. There shall be no racing of motor  
6 vehicles within the district, nor shall any rallies or commercial  
7 ventures be held therein. Snow vehicles or all-terrain vehicles  
8 shall be permitted within the Quabbin Reservoir Area only for  
9 official use.

1 SECTION 15. Notwithstanding any other provision of this act  
2 the establishment, construction and operation by the University  
3 of Massachusetts of an astronomical observatory may be contin-  
4 ued in compliance with and pursuant to the permit granted  
5 November twenty-six, nineteen hundred and sixty-nine by the  
6 commonwealth, acting by the commission, to the University of  
7 Massachusetts, provided that access to the site of the said  
8 astronomical observatory shall be limited to such access road as  
9 may be specifically designated by the commission for the  
10 purpose, and provided further that no person or equipment,  
11 other than construction, maintenance and repair personnel and  
12 equipment, operating personnel and equipment and such stu-  
13 dents in the field of astronomy as may be authorized by the  
14 university for the purpose, shall be entitled to be admitted to the  
15 aforesaid site except in accordance with and under the provisions  
16 of this act. Any such person so admitted shall be subject to  
17 supervision while on the site by an officer or official of the  
18 university designated for said purpose.

1 SECTION 16. The provisions of sections five and six of this  
2 act shall not apply to the town of Hubbardston while acting  
3 under the terms of a permit granted by the metropolitan district  
4 commission dated August nineteen, nineteen hundred and  
5 sixty-five nor to the town of Rutland while acting under a permit

6 issued by said commission dated February twenty second,  
7 nineteen hundred and seventy-one, for as long as such permits  
8 remain in effect.

1 SECTION 17. The provisions of this act and of all rules and  
2 regulations made under the authority thereof shall be enforced  
3 by the commissioner, his duly appointed agents, or metropolitan  
4 district commission police officers, by police officers, by  
5 members of the state police and by enforcement officers of the  
6 department of natural resources.

1 SECTION 18. The first paragraph of section 11 of chapter 131  
2 of the General Laws is hereby amended by adding the following  
3 two sentences: –The director of the division of fisheries and  
4 game shall by rule or regulation provide for an annual three-day  
5 deer hunt for paraplegics and no fee shall be charged for any  
6 license issued for said purpose. The dates and the area for said  
7 hunt shall be determined by the director.