HOUSE . . . . . No. 5288

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, April 9, 1987.

The committee on Natural Resources and Agriculture, to whom was referred the petition (accompanied by bill, House, No. 3193) of M. Joseph Manning, Nicholas J. Costello and Carol C. Amick for legislation to establish a system of nature preserves in the Commonwealth, reports recommending that the accompanying bill (House, No. 5288) ought to pass.

For the committee,

STEVEN ANGELO.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Seven.

AN ACT TO ESTABLISH A SYSTEM OF NATURE PRESERVES.

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. Section 1 of Chapter 131 of the General Laws as appearing in the 1984 Official Edition, is hereby amended by adding the following definition:

"Nature preserve", an area of land that retains or has recovered to a substantial degree its natural or primeval character, though it need not be completely undisturbed; has native floral, faunal or ecological features of scientific or educational interest; or is necessary for the protection of land described above.

SECTION 2. Chapter 131 of the General Laws, as appearing in the 1984 Official Edition, is hereby further amended by adding after Section 10 the following section:

Section 10A. A nature preserve, established in accordance with the provisions of this chapter, shall be maintained as nearly as possible in its natural condition, and shall be used in a manner and under limitations consistent with its status as a nature preserve, without impairment, disturbance, or artificial development, for the public purposes of present or future scientific research, education, aesthetic enjoyment and of providing a habitat for plant and animal species, communities and other natural objects and for preservation of areas representative of the significant habitats and ecosystems of the Commonwealth.

A nature preserve council, in this section called the council, shall be established and shall consist of four members or associate members of the Nongame Advisory Committee of the Division of Fisheries and Wildlife; two members trained in plant ecology, to be appointed by the Secretary of the Executive Office of Environmental Affairs to represent colleges, universities, outdoor

20 education programs, primary and secondary schools, science
21 museums, and arboreta; and one member, knowledgeable in
22 natural history, to be appointed by the Secretary of the Executive
23 Office of Environmental Affairs to represent the general public.
24 The members of the council shall be reimbursed for their necessary
25 expenses incurred in the discharge of their official duties. Each
26 member shall be appointed for a term of three years, with the
27 members initially appointed serving staggered terms. Persons
28 appointed to fill vacancies shall serve for the unexpired term. Any
29 member shall be eligible for reappointment.
30 The council shall annually select from among its members a
31 chairman. The council shall hold meetings at least once per
32 quarter. Special meetings may be called by the chairman and shall
33 be called by him upon written request by at least two members
34 of the council. A written notice of the time and place of each
35 meeting shall be sent to each member.
36 The council's duties shall include advising the department on
37 policies and regulations governing the system, assisting in the
38 preparation of a plan for each nature preserve, and advising the
39 department on budgetary matters related to the system. The
40 council shall also submit a report to the governor, by May 1 of
41 each odd numbered year, describing the condition of each nature
42 preserve within the system, outlining actions taken by the council
43 since the last report, and making any recommendations related
44 to the system that the council deems necessary.
45 The Executive Office of Environmental Affairs, the Depart-
46 ment of Fisheries, Wildlife and Environmental Law Enforcement
47 or any other administrative subdivision within the Executive
48 Office of Environmental Affairs, may nominate real property
49 owned by the Commonwealth and under the control of said
50 Executive Office, or any of its administrative subdivisions, as
51 suitable for nature preserve status. The department shall
52 promulgate and enforce regulations, subject to the provisions of
53 Chapter 30A, to effect the purposes of this section. The
54 department of its delegatee shall work with the nature preserve
55 council in implementing the system and carrying out its
56 obligations under this section.
57 Nature preserve status shall be deemed to have been established

58 with respect to a particular parcel of land after the following steps
59 have been taken:
60 (1) The department or its delegatee has held a public hearing,
61 in accordance with the provisions of Chapter 30A, relative to the
62 proposed establishment of the nature preserve.
63 (2) The department has filed articles of dedication with the
64 Secretary of the Executive Office of Environmental Affairs
65 following a determination that the proposed real property
66 qualifies as a nature preserve. Said articles shall include the
67 following:
68 (a) A statement as to the manner in which the proposed real
69 property satisfies the definition of a nature preserve, and
70 (b) a plan for the preservation and protection of the proposed
71 nature preserve.
72 Nature preserve status shall be deemed to have terminated, with
73 respect to a particular nature preserve, when its articles of
74 dedication are released by the department. Said articles of
75 dedication shall be released only following either:
76 (1) A determination in writing by the department or other
77 agency within the Executive Office of Environmental Affairs with
78 control of the property, that the land is no longer suitable for
79 nature preserve purposes, or
80 (2) following a two-thirds vote of both branches of the general
81 court, that the articles of dedication shall be released for the public
82 good.
83 In determining whether the articles of dedication should be
84 released, the department or such other agency within the
85 Executive Office of Environmental Affairs with control of the
86 property shall take into consideration the public interest in the
87 conservation and preservation of such nature preserve and any
88 national, state, regional or local program in furtherance thereof,
89 and also any public state, regional or local comprehensive land
90 use or development plan affecting the land, and any known
91 proposal by a governmental body for use of the land. In the event
92 articles of dedication of a nature preserve purchased with state
93 funds are released and such land is conveyed or transfered for
94 value, funds so received shall revert to the extent possible to a
95 fund in the Executive Office of Environmental Affairs for the

96 purpose of acquisition of nature preserves. Nothing in this section
97 shall diminish the powers granted by any general or special law
98 to acquire to purchase, fight, eminent domain or otherwise land
99 to use for public purposes.

1 SECTION 3. At least thirty days prior to the initial
2 promulgation of rules and regulations by the Department of
3 Fisheries, Wildlife and Environmental Law Enforcement
4 pursuant to Section 2 hereof, such regulations shall be submitted
5 for review to the Joint Committee on Natural Resources and
6 Agriculture of the General Court.