

By Mr. Nagle of Northampton, petition of William P. Nagle, Jr., for legislation to further protect the natural resource areas of the Commonwealth. Natural Resources and Agriculture.

The Commonwealth of Massachusetts

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

AN ACT TO FURTHER PROTECT THE NATURAL RESOURCE AREAS OF THE COMMONWEALTH.

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 2 of Chapter 21A of the General Laws is hereby
2 amended by adding a new clause: —

3 (30) the approval of the secretary of environmental affairs shall
4 be required for any project which improves, alters or otherwise
5 effects the transportation system of the commonwealth, which
6 uses or directly impacts upon any land or water from a publicly
7 owned or a publicly protected natural resource area. The secretary
8 of environmental affairs shall determine that (1) there is no
9 feasible and prudent alternative and (2) such project includes all
10 possible planning to minimize harm to such resources prior to
11 granting approval of said transportation-related projects. The
12 aforementioned approval by said secretary shall be made only
13 after a public hearing and consultation with regional transpor-
14 tation officials and the secretary's advisory committee on public
15 land and recreation.

16 As used in this section, "publicly owned natural resource area"
17 shall mean any park, recreation area, common, forest, public
18 water supply area or wildlife or waterfowl area owned or
19 controlled by the federal, state, county or municipal governments.
20 The term "publicly protected natural resource area" shall mean
21 the following: any area subject to a government restriction under
22 General Laws ch. 184, ss. 31-33, under G.L. ch. 131, s. 40A, or

23 under G.L. ch. 130, s. 105; any area designated as an "area of
24 critical environmental concern" by the secretary of environmental
25 affairs; any historic site of national, state or local significance as
26 determined by the officials having jurisdiction over it; and the zone
27 of contribution for any public ground-water supply as designated
28 by a state or municipal agency.

29 This section shall not apply to any project which has, as of the
30 effective date hereof, received all other necessary state
31 administrative and legislative approvals.

32 The secretaries of environmental affairs and transportation
33 shall jointly develop regulations to carry out this act, within six
34 months after its effective date.