

HOUSE No. 3661

By Mr. Wetmore of Barre, petition of Robert D. Wetmore relative to the conservation and regulation of the Ware River Watershed in the Quabbin Reservoir area by the Metropolitan District Commission. Urban Affairs.

The Commonwealth of Massachusetts

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

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
2 terms as used shall have the following meanings unless the
3 context 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
15 the Prescott Peninsula, so-called, contiguous to the reservoir
16 under the control of the metropolitan district commission and
17 lying within the bounds of Routes 9, 32, 32A, 122 and 202 as
18 located on the effective date of this act and being situated
19 wholly or partly in the towns of Pelham, Belchertown, Ware,
20 Hardwick, Petersham, New Salem and Shutesbury, and being

21 shown on plan of land entitled "General Plan of Quabbin
22 Reservoir Watershed, dated February 18, 1959, Metropolitan
23 District Commission — Water Division — Quabbin Section —
24 Commonwealth of Massachusetts on file in the office of the
25 metropolitan district commission.

26 "District", the combined lands identified in this act as the
27 Ware River Watershed and the Quabbin Reservoir Area, which
28 are a portion of the total lands comprising the Quabbin section
29 of 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
4 fauna in all reasonable ways to assure the balanced wildlife
5 habitat as presently conformed. Except as otherwise specifically
6 authorized herein, no act or practice shall be undertaken which
7 will adversely affect the balance of nature in the District. The
8 commission shall make and promulgate such rules and regula-
9 tions regarding the uses authorized herein as are reasonably
10 necessary to conserve the wilderness, watershed and reservoir
11 character of the District.

1 SECTION 3. No lands or real property which are a part of
2 the District shall be leased or sold or otherwise transferred
3 without approval of the general court, nor shall there be any
4 new or additional construction on said lands or real property
5 except by the metropolitan district commission consistent with
6 the purpose of this act.

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

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

3 allowed by permit granted by the commission prior to the
4 effective date of this act for as long as such permit remains in
5 effect, except, however, the commission may dispose of such
6 refuse or waste resulting from normal operation of 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
3 sand, gravel, dirt or soil, nor any other mineral, from or within
4 the district, except only that the commission may take such of
5 these materials as are required for commission use within the
6 district and may allow such use of these materials as may be
7 required pursuant to section five of this act.

1 SECTION 7. The commissioner, or his designee, shall once
2 each year prepare a plan detailing forestry activities, logging or
3 lumbering activities, proposed plantings, and the like which are
4 to be undertaken for the next following year, which plan shall
5 be open to inspection by the public. The commissioner shall
6 appoint a forester, hereinafter called forester, and one or more
7 assistant foresters each of whom shall be a graduate of a duly
8 accredited school of forestry or university department of like
9 nature.

1 SECTION 8. Lumbering or logging operations shall be per-
2 mitted 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 consistent with reservoir and water-
5 shed purposes, but such lumbering and logging operations shall
6 not be of a tree farming nature, so called, wherein natural
7 diversification of tree species is upset nor wherein wildlife
8 habitat or food chain growth is adversely affected. All lumber-
9 ing or logging operations shall be performed under private
10 contract pursuant to the bidding laws of the commonwealth
11 the proceeds of which shall be used in whole or in part for the
12 further management of the selfsame forests, excepting only for
13 such emergency salvage operations are deemed necessary by
14 the forester, and with the further exception that the commis-
15 sion may take such lumber as is needed for its own use

16 consistent with this act. All such lumbering or logging opera-
17 tions shall be supervised by the forester who shall designate
18 cuttings and who shall make and enforce such rules as are
19 necessary regarding disposal of slash and toppings, construction
20 of logging ways or ramps, or the like to conserve said forests
21 within the intent of this act. No tree shall be felled or cut
22 within one hundred feet of any river or stream or flow line of
23 reservoir or pond within the district, where it would change the
24 character of stream beds, except for such emergency or salvage
25 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 Peninsula shall be set aside as a natural site for
5 ecological and wildlife study and access thereto shall be regu-
6 lated by the commission.

1 SECTION 10. Hunting shall not be allowed in the Quabbin
2 Reservoir Area, however hunting may be permitted within the
3 Ware River Watershed subject to the rules and regulations of
4 the metropolitan district commission and division of fisheries
5 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 Water-
3 shed lying within the bounds of Routes 68, 62, 122, 122A and
4 56 as located on the effective date of this act, nor shall
5 all-terrain or amphibious vehicles be operated in, on or through
6 the streams, ponds or other waters within these same bounds.

1 SECTION 12. There shall be no overnight camping within
2 the Quabbin Reservoir Area nor within the portion of the Ware
3 River Watershed defined in the first sentence of section eleven
4 of this act, nor shall tents be erected nor trailers or other
5 vehicular sleeping accommodation be parked overnight therein.

1 SECTION 13. Motor vehicles, snowmobiles and other rec-
2 reational vehicles, so-called, may be operated within the Ware

3 River Watershed only upon established vehicular ways and
4 trails, or in such other areas as shall be designated by the
5 commission. Public entry to the Quabbin Reservoir Area shall
6 be limited to foot passage only, except that motor vehicles and
7 manually operated bicycles may be admitted to such roads and
8 ways within the Quabbin Reservoir Area as shall be designated
9 by the commission. There shall be no racing of motor driven
10 vehicles within the District, nor shall any associated rallies or
11 commercial ventures be held therein. Snow vehicles or all-
12 terrain vehicles shall be permitted within the Quabbin Reservoir
13 Area only for official use.

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

1 SECTION 15. 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 metro-
4 politan district commission police officers, by police officers,
5 by members of the state police and by enforcement officers of
6 the department of natural resources.

The first part of the report deals with the general situation of the country and the progress of the various branches of industry and commerce. It is followed by a detailed account of the operations of the different departments of the Government, and a summary of the public accounts for the year. The report concludes with a statement of the resources of the country and the means of increasing them.

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