

By Mr. Dwinell of Millbury, petition of Richard J. Dwinell relative to recodifying the laws relative to ocean sanctuaries. Natural Resources and Agriculture.

**The Commonwealth of Massachusetts**

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

AN ACT RECODIFYING THE OCEAN SANCTUARIES LAWS.

*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. Chapter 132A of the General Laws is hereby  
2 amended by striking out section thirteen and inserting in place  
3 thereof the following new section:—

4 *Section 13.* There is hereby established five ocean sanctuaries:  
5 to be known as the Cape Cod Ocean Sanctuary; Cape Cod Bay  
6 Ocean Sanctuary; Cape and Islands Ocean Sanctuary; North  
7 Shore Ocean Sanctuary; South Essex Ocean Sanctuary.

8 (a) Said Cape Cod Ocean Sanctuary is described as follows:—  
9 Beginning at a point in the Atlantic Ocean three miles due west  
10 from the mean low-water line of the Atlantic Ocean on Cape Cod  
11 at the westernmost extremity of Race Point, Provincetown;  
12 thence swinging in a clockwise arc along a line three miles  
13 offshore and parallel to the mean low-water line of the northerly  
14 extremity of Cape Cod to the northernmost point of said arc;  
15 thence running due east to the limit of state jurisdiction, meaning  
16 not less than three and not more than twelve miles, regardless of  
17 any more distant limit that may subsequently be established by  
18 federal statute or by litigation; thence in a southerly and  
19 southeasterly direction, at the above limit of state jurisdiction,  
20 to a point on a line running easterly from a point three miles due  
21 south of the mean low-water line at Monomoy Point; thence;  
22 westerly on said line to the point of three miles due south of said  
23 low-water line at Monomoy Point; thence running northerly to  
24 Monomoy Point; thence along the mean low-water line of  
25 Monomoy Island and Morris Island to the seaward boundary of

26 the Cape Cod National Seashore, as established by act of  
27 Congress (1961, P.L. 87-126); thence northerly and finally  
28 westerly along seaward boundary of said Cape Cod National  
29 Seashore to a point on a line running westerly from the mean low-  
30 water line at the westernmost extremity of Race Point; thence due  
31 west on said line to the point of beginning.

32 b. Said Cape Cod Bay Ocean Sanctuary is bounded and  
33 described as follows: That body of water known as Cape Cod  
34 Bay, and lying south of a line extended from Brant Rock Tower,  
35 on the foreshores of Marshfield, County of Plymouth, to a point  
36 in the Atlantic Ocean three miles due west from the mean low-  
37 water line of the Atlantic Ocean on Cape Cod in the westernmost  
38 extremity of Race Point, Provincetown; thence in an easterly  
39 direction to a point one-quarter mile due west from the mean low-  
40 water line and Race Point Lighthouse located at the westernmost  
41 extremity of Race Point, Provincetown; thence running southerly,  
42 southeasterly, easterly, northeasterly, northerly, and  
43 northwesterly, parallel to the mean low-water line and along a  
44 line located one-quarter mile to seaward from the mean low-  
45 water line of the Cape Cod National Seashore Park, located  
46 within the town of Provincetown, Massachusetts; thence to the  
47 mean low-water line, south of Provincetown where the Cape Cod  
48 National Seashore Park boundary intersects the mean low-water  
49 line; thence swinging in a northeasterly, easterly, southeasterly,  
50 and southerly direction along the mean low-water line in the town  
51 of Truro to the Cape Cod National Seashore Boundary in that  
52 town; thence in a westerly direction to a point in Cape Cod Bay,  
53 one-quarter mile distant from the mean low-water mark to  
54 seaward; thence southerly along a line parallel to the mean low-  
55 water line to a point one-quarter mile east-southeast of the Truro  
56 and Wellfleet town boundary line in the Cape Cod National  
57 Seashore Park; thence to a point on the mean low-water line  
58 where such boundary intersects same; thence in a clockwise  
59 direction along the mean low-water line of the Cape Cod Bay  
60 coastal foreshores to the point of beginning at Brant Rock Tower  
61 in said Marshfield. Meaning and intending to include all of that  
62 water area lying in a southerly direction from the aforementioned  
63 closure line extended from Brant Rock Tower, Marshfield to  
64 Race Point, Provincetown.

65 (c) Said Cape and Islands Ocean Sanctuary is bounded and  
66 described as follows: Beginning at a point in the Atlantic Ocean  
67 three miles due south of the mean low-water line at Monomoy  
68 Point, thence in a south-southeasterly direction to a point in the  
69 Atlantic Ocean, southeast of Nantucket Island, being  $41^{\circ} 11' 24''$   
70 north latitude,  $69^{\circ} 50' 00''$  west longitude, thence in a westerly  
71 direction to a point in the Atlantic, southwesterly of Nomans  
72 Land, Massachusetts, corresponding to navigational aid known  
73 as Flashing Whistle Buoy "R 2" located at  $41^{\circ} 12' 09''$  north  
74 latitude and  $70^{\circ} 50' 00''$  west longitude, thence in a northwesterly  
75 direction to the navigational aid located in Buzzards Bay,  
76 Massachusetts known as Buzzards Light, located at  $40^{\circ} 23' 45''$   
77 north latitude, and  $71^{\circ} 02' 00''$  west longitude, thence in a  
78 northwesterly direction to a point in the foreshore at Quicksand  
79 Point where the Massachusetts and Rhode Island boundary  
80 reaches the water's edge. The aforementioned description  
81 meaning to intend the inclusion of the following bodies of water,  
82 Nantucket Sound, Vineyard Sound, Buzzards Bay and portions  
83 of the Atlantic Ocean.

84 (d) Said North Shore Ocean Sanctuary is bounded and  
85 described as follows: Beginning at Pickworth Point in the Town  
86 of Manchester, thence by a line bearing south-southeasterly  $150^{\circ}$   
87 seaward to a distance of three miles, thence northerly along a line  
88 parallel to and three miles from the line of mean low-water of the  
89 commonwealth to the point of intersection with the extension of  
90 the lateral boundary of New Hampshire and Massachusetts,  
91 thence westerly along said lateral boundary to the line of mean  
92 low-water, thence southerly southeasterly, easterly, northeasterly,  
93 southeasterly, southwesterly along the line of mean low-water of  
94 the commonwealth to the point or place of beginning.

95 (e) Said South Essex Ocean Sanctuary is bounded and  
96 described as follows: Beginning at Pickworth Point in the Town  
97 of Manchester, thence by a line bearing south southeasterly  $150^{\circ}$   
98 seaward to a distance of three miles, thence southerly along a line  
99 parallel to and three miles from the line of mean low-water of the  
100 commonwealth to the point of intersection with the extension of  
101 the boundary line between the city of Lynn and the town of  
102 Swampscott, then northwesterly along said boundary extension  
103 to the line of mean low-water, thence easterly, southeasterly,  
104 northeasterly, northwesterly and northeasterly along the line of

105 mean low-water of the commonwealth to the point or place of  
106 beginning. "Miles", as used in this section, means nautical miles.

1 SECTION 2. Chapter 132A of the General Laws is hereby  
2 amended by striking out section fourteen and inserting in place  
3 thereof the following new section: —

4 *Section 14.* All five sanctuaries as described in this section  
5 shall be under the care and control of the department of  
6 environmental management and shall be protected from any  
7 exploitation, development or activity that would seriously alter or  
8 otherwise endanger the ecology or the appearance of the ocean,  
9 the seabed or subsoil thereof, or the Cape Cod National  
10 Seashore. All departments, divisions, commissions or units of the  
11 office of environmental affairs and other affected agencies or  
12 departments of the commonwealth shall issue permits or licenses  
13 or conduct their activities consistently with this act and shall not  
14 permit or conduct any activity which is contrary to the purposes  
15 of this act. There shall be no new permit required from the  
16 department of environmental management under this act, but  
17 said departments, divisions, commissions, units or other agencies  
18 shall confer and consult with the department of environmental  
19 management to insure compliance with this act.

1 SECTION 3. Chapter 132A of the General Laws is hereby  
2 amended by striking out section fifteen and inserting in place  
3 thereof the following section: —

4 *Section 15.* Except as otherwise provided herein, the following  
5 activities shall be prohibited in any Sanctuary: the building of any  
6 structure on the seabed or under the subsoil; the construction of  
7 electric generating stations; the drilling or removal of any sand,  
8 gravel or other minerals, gases or oils; the dumping or discharge  
9 of commercial or industrial wastes; commercial advertising; the  
10 incineration of solid waste material or refuse on, or in, vessels  
11 moored or afloat within the boundaries of the Ocean Sanctuary  
12 described herein.

1 SECTION 4. Chapter 132A of the General Laws is hereby  
2 amended by striking out section sixteen and inserting in place  
3 thereof the following section: —

4 *Section 16.* This section is not intended to prohibit the  
5 following activities, uses or facilities except as otherwise noted;  
6 except in the Cape Cod Bay Ocean Sanctuary, the construction,  
7 operation and maintenance of industrial liquid coolant discharge  
8 and intake systems in conjunction with the public and private  
9 supply of electrical power as allowed and licensed by appropriate  
10 state and federal agencies; the operation and maintenance of  
11 existing facilities to treat existing municipal, commercial or  
12 industrial discharges where such discharges and facilities have  
13 been approved and licensed by federal and state agencies except  
14 in the North Shore Ocean Sanctuary where existing and new  
15 discharges will be permitted from municipal waste treatment  
16 facilities where construction is commenced prior to January first,  
17 nineteen hundred and seventy-eight and provided further, that  
18 the waste has been treated by the best practical means and that  
19 such a discharge is in accordance with plans developed under the  
20 provisions of clause (10) of section twenty-seven of chapter  
21 twenty-one, which plans shall be subject to the approval of the  
22 division of water pollution control after a public hearing  
23 conducted by said division; new discharges and facilities when  
24 consistent with the intention and purposes of this Act and when  
25 approved and licensed by federal and state agencies; the laying of  
26 cables approved by the department of public utilities; channel and  
27 shore protection projects, navigation aids, projects authorized  
28 under chapter ninety one, deemed to be of public necessity and  
29 convenience and contingent upon required approval wherever  
30 applicable by the United States Army Corps of Engineers, the  
31 division of water pollution control, the department of en-  
32 vironmental quality engineering or the department of environ-  
33 mental management, or other improvements approved by ap-  
34 propriate federal and state agencies and which are consistent with  
35 the intention and purposes of this act; the harvesting and  
36 propagation of fish and shellfish in all forms, so long as the  
37 department of environmental management and the department of  
38 fisheries, wildlife and recreational vehicles is satisfied that such  
39 activities are carried on in accordance with sound conservation  
40 practices; or temporary educational and scientific activities  
41 jointly permitted by appropriate state agencies; and the  
42 extraction of sand and gravel from the seabed and subsoil of the

43 sanctuary for the purposes of shore protection or beach  
44 restoration, provided that such shore protection or beach  
45 restoration is approved by the department of environmental  
46 management.

1 SECTION 5. Chapter 132A of the General Laws is hereby  
2 amended by striking out section seventeen and inserting in place  
3 thereof the following section:—

4 *Section 17.* The attorney general or the appropriate state  
5 agency shall take such action as may be necessary from time to  
6 time to enforce the provisions of this section. The superior court  
7 shall have jurisdiction in equity to enforce the provisions of this  
8 section.

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