

SENATE No. 1017

By Mr. Doane, a petition (accompanied by bill, Senate, No. 1017) of Paul V. Doane, Henri S. Rauschenbach, Peter B. Morin and Howard C. Cahoon, Jr., for legislation to provide for the creation of a statewide policy to guide activities within the tidelands and submerged lands of the Commonwealth. Natural Resources and Agriculture.

The Commonwealth of Massachusetts

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

AN ACT PROVIDING FOR THE CREATION OF A STATEWIDE POLICY TO GUIDE ACTIVITIES WITHIN THE TIDELANDS AND SUBMERGED LANDS 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 1. This act shall be called the Massachusetts
2 Tidelands and Submerged Lands Policy Act.

1 SECTION 2. The purpose of this Act is to produce a set of
2 policy guidelines and to draft legislation as needed to assist the
3 Commonwealth, its Administrative agencies, the Legislature and
4 the various instrumentalities of State government, the counties
5 and local governments, in the use, activities, and operations,
6 commercial and otherwise, that may occur within and upon the
7 Commonwealth's properties located seaward of the line of mean
8 low water, the so-called "Submerged Lands," and also for the use,
9 activity and operation, commercial and otherwise, occurring
10 within and/or upon the area between the point of mean high and
11 mean low tides, known as the "Tidelands".

12 This Act is intended to address matters generally involving the
13 filling and maintenance of filled lands, the construction,
14 reconstruction and extension of piers, boathouses, foundations
15 for buildings, wharves, bulkheads and structures located in and
16 over the submerged lands of the Commonwealth.

1 SECTION 3. Many agencies of State government, county and
2 local government, and the Legislature are involved in granting
3 licenses, permits, revocable and irrevocable grants and other orders
4 which result in the establishment of certain structures and/or
5 activities within the Tidelands and Submerged Lands of the
6 Commonwealth. Presently, there is not guidance provided such
7 agencies as to the appropriateness or inappropriateness of such
8 actions. This Act is intended to develop administrative guidelines
9 to assist these agencies in furthering various roles and
10 responsibilities.

1 SECTION 4. To carry out the purpose of this Act, the
2 Secretary of Communities and Development is hereby authorized
3 to convene no later than within 60 days of the establishment of
4 this Act, the Tidelands and Submerged Lands Policy Advisory
5 Council.

1 SECTION 5. The Tidelands and Submerged Lands Policy
2 Advisory Council shall consist of the following: Three members
3 of the Massachusetts State Senate and three members of the
4 Massachusetts State House of Representatives, to be selected by
5 the Senate President and House Speaker, respectively; the
6 Secretary of Communities and Development, the Secretary of
7 Environmental Affairs or designee, the Commissioner of
8 Department of Environmental Management, or designee, a
9 representative of the Coastal Zone Management Program, a
10 representative of the Corps of Engineers, the Governor of the
11 Commonwealth or his designee, a representative of the League
12 of Women Voters of Massachusetts, a representative of the Boston
13 Harbor Associates, a representative of the Massachusetts Bar
14 Association, the Attorney General, or his designee, and three
15 representatives of the general public appointed by the Governor.

1 SECTION 6. This Council shall be staffed by the Executive
2 Office of Communities and Development.

1 SECTION 7. This Council shall meet regularly for the purpose
2 of examining the issue of past, present and future activity within
3 the Commonwealth's submerged lands and tidelands and to

4 examine the extent of this activity, and to determine the needs
5 for establishing a set of policies to guide State agencies in their
6 various administrative actions affecting the Tidelands and
7 Submerged Lands, and if determined that such policies are
8 necessary, to so develop proposed policies, and to report any
9 findings, recommendations and so forth to the Massachusetts
10 Legislature within 15 months of the passage of this Act.

1 SECTION 8. The Council shall submit legislation to the Legis-
2 lature if such legislation is needed to implement the policy recom-
3 mendations of the Council.

The first part of the report deals with the general situation of the country and the progress of the work done during the year. It also contains a list of the names of the members of the committee and the names of the persons who have been appointed to various positions.

The second part of the report deals with the work done during the year. It contains a list of the names of the persons who have been appointed to various positions and a list of the names of the persons who have been appointed to various positions.

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