

SENATE No. 1199

By Mr. Doane, a petition (accompanied by bill, Senate, No. 1199) of Paul V. Doane and Haden G. Greenhalgh for legislation to provide for the creation of a statewide policy to guide activities within the tidelands and submerged lands in the Commonwealth. Natural Resources and Agriculture.

The Commonwealth of Massachusetts

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

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 Tide-
2 lands and Submerged Lands Policy Act.

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

12 This Act is intended to address matters generally involving
13 the filling and maintenance of filled lands, the construction,
14 reconstruction and extension of piers, boathouses, founda-
15 tions for buildings, wharves, bulkheads and structures located
16 in and 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 grant-

3 ing licenses, permits, revocable and irrevocable grants and
4 other orders which result in the establishment of certain
5 structures and/or activities within the Tidelands and Sub-
6 merged lands of the Commonwealth. Presently, there is no
7 guidance provided such agencies as to the appropriateness or
8 inappropriateness of such actions. This Act is intended to
9 develop administrative guidelines to assist these agencies in
10 furthering their various roles and responsibilities. This Act is
11 not designed to be regulatory.

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

1 SECTION 5. The Tidelands Submerged Lands Policy Ad-
2 visory 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
5 by the Senate President and House Speaker, respectively;
6 the Secretary of Communities and Development, the Secretary
7 of Environmental Affairs or designee, the Commissioner of
8 Department of Environmental Management, or designee, a
9 representative of the Department of Waterways, a repre-
10 sentative of the Coastal Zone Management Program, a repre-
11 sentative of the Corps of Engineers, the Governor of the
12 Commonwealth or his designee, a representative of the
13 League of Women Voters of Massachusetts, a representative
14 of the Boston Harbor Associates, a representative of the
15 Massachusetts Bar Association, the Attorney General, or his
16 designee, and three representatives of the General public ap-
17 pointed 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 pur-
2 pose of examining the issue of past, present and future
3 activity within the Commonwealth's submerged lands and
4 tidelands and to examine the extent of this activity, and to

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

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