

HOUSE No. 2126

The Commonwealth of Massachusetts

PRESENTED BY:

Susan Williams Gifford and Keiko M. Orrall

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to the Massachusetts Wetlands Protection Act.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>	<i>1/20/2017</i>
<i>Keiko M. Orrall</i>	<i>12th Bristol</i>	<i>1/30/2017</i>
<i>Elizabeth A. Poirier</i>	<i>14th Bristol</i>	

HOUSE No. 2126

By Representatives Gifford of Wareham and Orrall of Lakeville, a petition (accompanied by bill, House, No. 2126) of Susan Williams Gifford, Keiko M. Orrall and Elizabeth A. Poirier relative to resource areas that are primarily used in the growing of aquatic organisms. Environment, Natural Resources and Agriculture.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 683 OF 2015-2016.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act relative to the Massachusetts Wetlands Protection Act.

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. Section 40 of Chapter 131 of the General Laws, as appearing in the 2014
2 Official Edition, is hereby amended by inserting, in line 7 after the word “enlarging,”, the
3 following words:-

4 “a resource area that is primarily used in the growing of aquatic organisms under
5 controlled conditions and used to protect the physical passage of migrating anadromous and
6 catadromous fish with the minimum work necessary to remove a specific and identifiable
7 impediment to fish passage including the removal of downed trees that impede fish passage,
8 removal of built up sediment and sandbars that impede fish passage, removal of excessive
9 vegetation blocking fish passage, and the maintenance of fish ladders and must only be carried

10 out by the division of marine fisheries, appointed herring wardens or under the auspices of
11 authorized public entities and must not impact other protected interests of this section,”

12 SECTION 2. Section 40 of Chapter 131 of the General Laws, as appearing in the 2014
13 Official Edition, is hereby amended by inserting, in line 239 after the words “riverfront area.”,
14 the following paragraph:-

15 “The term “Resource area” as used in this section shall mean any bank, riverfront area,
16 fresh water wetland, coastal wetland, beach, dune, flat, marsh, meadow or swamp bordering on
17 the ocean or on any estuary, creek, river, stream, pond, or lake, or any land under said waters or
18 any land subject to tidal action, coastal storm flowage, or flooding.”