

SENATE No. 430

The Commonwealth of Massachusetts

PRESENTED BY:

Joseph A. Boncore

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 Coastal Resiliency Projects.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Joseph A. Boncore</i>	<i>First Suffolk and Middlesex</i>	
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>	<i>1/29/2019</i>

SENATE No. 430

By Mr. Boncore, a petition (accompanied by bill, Senate, No. 430) of Joseph A. Boncore and Patrick M. O'Connor for legislation relative Coastal Resiliency Projects. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative Coastal Resiliency Projects.

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. Notwithstanding any general or special laws to the contrary, coastal
2 resiliency projects are hereby exempt from regulation under the Wetlands Protection Act of
3 M.G.L. c.131, §40 for work in land subject to coastal storm flowage and said projects shall
4 otherwise be regulated as a limited project for work in other coastal wetland resource areas under
5 the Wetlands Protection Act and its implementing regulations.

6 Section 2. Section 62A of Chapter 30 of the General Laws is hereby amended by adding
7 the following after the words “sixty-six” in the last sentence, “and a coastal resiliency project as
8 defined in Section 61 of Chapter 30 provided that an Order of Conditions or a Determination of
9 Applicability is issued allowing said coastal resiliency project.”

10 Section 3. For purposes of implementing the above provisions in Section 1, the following
11 definitions apply:

12 Coastal Resiliency Projects include structures or placement of fill for the primary purpose
13 of protecting existing and proposed structures, utilities, transportation systems or infrastructure
14 from the impacts of current or future coastal flooding including, but not limited to, rising sea
15 levels and/or storm surge.

16 Structure means any man-made object which exists or is proposed and which is intended
17 to remain in place in, on, over, under or adjacent to the Ocean or within land subject to coastal
18 storm flowage as defined in the Department of Environmental Protection regulations at 310
19 CMR 10.04, as may be amended. Structures shall include, but are not limited to, any seawall,
20 bulkhead, riprap, revetment, breakwater, roadway, building, dike, berm, retaining wall or barrier.

21 Fill means any unconsolidated material that is confined or expected to remain in place in
22 land or in a waterway, except for: material placed by natural processes not caused by the owner
23 or any predecessor in interest; material placed on a beach for beach nourishment purposes; and
24 dredged material placed below the low water mark for purposes of subaqueous disposal.

25 Section 4. For purposes of regulating coastal resiliency projects as a limited project, the
26 Department of Environmental Protection is hereby authorized to promulgate regulations, after
27 public hearing and comment, to effect the purposes of this Act. Prior to public hearings on said
28 regulations, the Department shall consult with representatives of urban and rural coastal
29 municipalities, environmental organizations, MassDOT and representatives of utilities and urban
30 coastal land owners.