

HOUSE No. 4022

The Commonwealth of Massachusetts

PRESENTED BY:

Dylan A. Fernandes

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 to protect Cape Cod's environment and water supply.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Dylan A. Fernandes</i>	<i>Barnstable, Dukes and Nantucket</i>	<i>6/21/2021</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>	<i>12/13/2021</i>

HOUSE No. 4022

By Mr. Fernandes of Falmouth, a petition (subject to Joint Rule 12) of Dylan A. Fernandes for legislation to further regulate Cape Cod's environment and water supply. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act to protect Cape Cod's environment and water supply.

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 5 of Chapter 47 of the Acts of 2002, (“An Act relative to the Environmental
2 Protection of the Massachusetts Military Reservation”) is hereby amended by adding at the end
3 thereof the following:

4 Any proposal for new or expanded activity within the Reserve that will result in the
5 alteration of ten or more acres, including but not limited to habitat destruction or clearcutting of
6 forested land, shall be categorically required to complete a full Environmental Impact Report
7 under the Massachusetts Environmental Policy Act. Upon the issuance of a MEPA certificate by
8 the Secretary of the Executive Office of Energy and Environmental Affairs, the Commission
9 shall not approve any such activity without receiving a written recommendation from a) the
10 Community Advisory Council; b) the Science Advisory Council; c) the Upper Cape Regional
11 Water Supply Cooperative and d) the Cape Cod Commission, after each has made a finding
12 whether the proposed activity violates and is not otherwise inconsistent with any of the

13 environmental performance standards included in the final environmental impact report
14 regarding activities on the Reserve; and the proposed activity is deemed to be consistent with the
15 purposes of this Act and with the establishment of the Upper Cape Water Supply Reserve.

16 If following receipt of the aforesaid recommendations the Commission determines a) that
17 the proposed activity is consistent with and does not violate said standards, or b) adjusting said
18 standards is warranted before making a decision on the proposed activity, the Commission shall
19 hold a public hearing in Sandwich, Mashpee, Falmouth, or Bourne on its proposed
20 determination. The hearing shall be held prior to the Commission making a final determination
21 on whether to approve the proposed activity or on any adjustments to the environmental
22 performance standards.