

HOUSE No. 3984

The Commonwealth of Massachusetts

PRESENTED BY:

Kip A. Diggs

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 promoting the beneficial use of dredged materials for coastal resilience, nourishment and restoration.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Kip A. Diggs</i>	<i>2nd Barnstable</i>	<i>1/16/2025</i>

HOUSE No. 3984

By Representative Diggs of Barnstable, a petition (accompanied by bill, House, No. 3984) of Kip A. Diggs relative to watershed restoration. Environment and Natural Resources.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act relative to promoting the beneficial use of dredged materials for coastal resilience, nourishment and restoration.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to address watershed restoration in the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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. Chapter 29 of the General Laws is hereby amended by inserting, after
2 Section 2JJJJJ, the following section:-

3 Section 2KKKKKK. (a) There shall be established and set up on the books of the
4 commonwealth a separate fund, to be known as the Dredge Material Fund. It shall consist of
5 amounts credited to the fund in accordance with this section. The commissioner of the
6 department of environmental protection shall be the custodian of the fund.

7 (b) The fund shall consist of: (i) fees collected from dredging permits issued under
8 chapter 91; (ii) contributions from municipalities and private participants pursuant to section 65
9 of said chapter 91; (iii) state and federal grant for coastal resilience and restoration projects; (iv)
10 revenue from appropriations or other money authorized by the general court and specifically

designated to be credited to the fund; and (v) interest earned on money in the fund. Amounts credited to the fund shall not be subject to further appropriation and any money remaining in the fund at the end of a fiscal year shall not revert to the General Fund.

(c) Money in the fund shall be expended to carry out the goals of the comprehensive program established in section 65 of chapter 91 to promote the beneficial use of dredged materials for coastal restoration, including beach nourishment, marshland enhancement and the restoration of intercoastal islands to improve coastal resilience, mitigate climate impacts, reclaim historic habitat and protect public and private interests.

(d) The department of environmental protection shall annually, not later than December 31, report on the activity of the fund to the: (i) chairs of the joint committee on environment and natural resources; (ii) house and senate committees on ways and means; and (iii) clerks of the house of representatives and senate.

SECTION 2. Chapter 91 of the General Laws is hereby amended by adding the following section:-

Section 65. (a) For the purposes of this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:

“Beneficial use”, the use of dredged materials to achieve environmental, economic or social benefits, including but not limited to: habitat creation, shoreline stabilization and erosion control.

“Dredged materials”, sediment, sand or other materials removed from water bodies during dredging operations authorized under this section.

“Intercoastal islands”, landforms situated within coastal water bodies that provide ecological, recreational or protective functions.

(b) The department shall establish a program to promote the beneficial use of dredged materials for coastal restoration, including beach nourishment, marshland enhancement and the restoration of intercoastal islands to improve coastal resilience, mitigate climate impacts, reclaim historic habitat and protect public and private interests. The program shall: (i) identify and catalog potential sites for the beneficial reuse of dredged materials, prioritizing intercoastal islands, beaches and marshlands; (ii) facilitate the redistribution of dredged materials across municipalities within a county to ensure equitable access and maximize environmental and economic benefits; and (iii) develop guidelines for the transportation, storage and placement of dredged materials to minimize environmental impacts.

(c) Municipalities and private entities, including beach associations, may opt into the program by submitting a request to the department. Municipalities and private entities that opt into the program shall: (i) provide a plan outlining the proposed use of dredged materials, including projected benefits; and (ii) contribute a portion of project costs, as determined by the department, based on available funding and project scope.

(d) This section shall be funded by the Dredge Material Fund established in section 2KKKKKK of chapter 29.

(e) All activities under this section shall comply with section 40 of chapter 131 to ensure the protection of wetlands and adherence to environmental standards.

(f) The department shall prepare an annual report on the program established in this section that shall include: (i) the amount and type of dredged materials reused; (ii) the locations

54 and outcomes of restoration projects in the commonwealth; (iii) all financial expenditures and
55 funding sources; (iv) any recommendations for improvements to the program. The annual report
56 shall be submitted, not later than December 31, to the chairs of the joint committee on
57 environment and natural resources and the clerks of the house of representatives and senate.

58 (g) The department shall, pursuant to chapter 30A, promulgate rules and regulations to
59 implement the provisions of this section within 12 months of its effective date. The program
60 established in this section shall commence operations no later than 18 months after the effective
61 date.