

HOUSE No. 919

The Commonwealth of Massachusetts

PRESENTED BY:

David T. Vieira

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 environmental protection of Joint Base Cape Cod.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>David T. Vieira</i>	<i>3rd Barnstable</i>	<i>1/19/2023</i>

HOUSE No. 919

By Representative Vieira of Falmouth, a petition (accompanied by bill, House, No. 919) of David T. Vieira relative to the environmental protection of Joint Base Cape Cod. Environment and Natural Resources.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 3956 OF 2021-2022.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act relative to the environmental protection of Joint Base Cape Cod.

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 1 of chapter 47 of the acts of 2002, as most recently amended by
2 section 11 of chapter 48 of the acts of 2014, is hereby further amended by striking out the
3 definitions of “Environmental performance standards” and “Joint Base Cape Cod” and inserting
4 in place the following 2 definitions:-

5 "Environmental performance standards", the environmental performance standards
6 included in the final environmental impact report, and any amendments thereto, regarding the
7 activities on the northern 15,000 acres of the Joint Base Cape Cod promulgated under sections 61
8 to 62H, inclusive, of chapter 30 of the General Laws and certified by the secretary of
9 environmental affairs on July 16, 2001.

10 "Joint Base Cape Cod" or "JBCC", approximately 22,000 acres of land owned by the
11 commonwealth in Barnstable county established under chapter 196 of the acts of 1935, chapters
12 320 and 344 of the acts of 1936, chapter 5 of the acts of 1941, chapter 665 of the acts of 1955
13 and chapter 617 of the acts of 1956, and used primarily for military purposes.

14 SECTION 2. Said section 1 of said chapter 47, as so amended, is hereby further amended
15 by inserting after the word "of", in line 18, the first time it appears, the following words:- energy
16 and.

17 SECTION 3. Section 2 of said chapter 47 is hereby amended by inserting after the word
18 "commonwealth", in line 4, the following words:- and the United States.

19 SECTION 4. Section 3 of said chapter 47 is hereby amended by striking out, in lines 6
20 and 7, the words "of the department of fisheries, wildlife and environmental law enforcement"
21 and inserting in place thereof the following words:- within the department of fish and game.

22 SECTION 5. Section 4 of said chapter 47 is hereby amended by inserting after the word
23 "of", in line 1, the following words:- energy and.

24 SECTION 6. Said section 4 of said chapter 47 is hereby further amended by striking out,
25 in lines 3 and 4, the words "fisheries, wildlife and environmental law enforcement; the
26 commissioner of environmental management" and inserting in place thereof the following
27 words:- fish and game; the commissioner of conservation and recreation.

28 SECTION 7. Said chapter 47 is hereby amended by striking out section 6, as amended by
29 section 12 of chapter 48 of the acts of 2014, and inserting in place thereof the following section:-

30 Section 6. The commission shall be assisted by 2 advisory councils, each to be appointed
31 by the environmental management commission:

32 (a) a community advisory council, which shall be comprised of the following members
33 for a 3-year term: 1 representative of each of the towns of Falmouth, Bourne, Sandwich and
34 Mashpee; 1 family member resident of the JBCC; 2 representatives of the military; 1
35 representative of the Cape Cod commission; 1 representative of the Upper Cape Regional Water
36 Supply Cooperative; 1 representative of the Wampanoag Tribe; and 5 at-large representatives.
37 The town representatives shall be recommended by the towns' respective boards of selectmen;
38 the family member resident of JBCC shall be recommended by the commander of the Coast
39 Guard Base Cape Cod; the military representatives shall be recommended by the military
40 division of the commonwealth; the Cape Cod commission representative shall be recommended
41 by the Cape Cod commission; the Upper Cape Regional Water Supply Cooperative
42 representative shall be recommended by the Upper Cape Regional Water Supply Cooperative;
43 and the Wampanoag Tribe representative shall be recommended by the tribal leadership. The
44 community advisory council shall assist the commission by providing advice on community
45 issues related to the protection of the water supply and wildlife habitat on the reserve, and; (b) a
46 science advisory council, which shall be comprised of the following members for a 3-year term:
47 5 to 9 scientists and engineers who are recognized for their expertise in the areas of public health,
48 water protection, wildlife habitat management or land use management. The science advisory
49 council shall assist the commission by providing scientific and technical advice relating to the
50 protection of the drinking water supply and wildlife habitat on the reserve.

51 SECTION 8. The first paragraph of section 8 of said chapter 47, as amended by section
52 13 of said chapter 48, is hereby further amended by striking out the fourth and fifth sentences

53 and inserting in place thereof the following 2 sentences:- The environmental officer shall also
54 coordinate with appropriate personnel from the department of fish and game, the department of
55 conservation and recreation and the department of environmental protection to monitor and
56 evaluate the environmental impact of activities conducted on and uses of the reserve. The
57 personnel of the department of fish and game, the department of conservation and recreation and
58 the department of environmental protection shall support and assist the commission and
59 cooperate with the environmental officer.

60 SECTION 9. The third paragraph of said section 8 of said chapter 47 is hereby amended
61 by striking out the first sentence and inserting in place thereof the following sentence:- The
62 commission, its staff and, as determined to be necessary by the commission, personnel of the
63 department of fish and game, the department of conservation and recreation and the department
64 of environmental protection, shall access and inspect the reserve in order to monitor, oversee,
65 evaluate and report to the commission on the environmental impact of military training and all
66 other activities.

67 SECTION 10. Section 9 of said chapter 47 is hereby amended by inserting after the word
68 “of”, in line 18, the following words:- energy and.

69 SECTION 11. Section 10 of said chapter 47 is hereby amended by inserting after the
70 word “of”, in line 30, the following words:- energy and.

71 SECTION 12. Section 12 of said chapter 47 is hereby amended by striking out, in lines 3
72 and 4, the words “fisheries, wildlife and environmental law enforcement, the department of
73 environmental management” and inserting in place thereof the following words:- fish and game,
74 the department of conservation and recreation.