

Appendix VII

Chap. 742 of the Acts of the Massachusetts Legislature, 1970

An Act providing for the acquisition of the Islands in Boston Harbor by the Department of Natural Resources for the purposes of recreation and conservation.

Be it enacted, etc., as follows:

Section 1. The department of natural resources, hereinafter referred to as the acquiring agency, is hereby authorized in the name of the commonwealth to take by eminent domain under the provisions of chapter seventy-nine or chapter eight A of the General Laws, or acquire by gift, purchase or otherwise, the fee or any lesser interest, for the purposes of recreation and conservation under a program described in section three, such privately owned islands or portions of islands as are hereinafter named and such other property as may be necessary or expedient therefore: Thompson, Spectacle, Peddocks, Gallops, Bumpkin, Greater Brewster, Middle Brewster, Outer Brewster, Calf, Little Calf, Green, Raccoon, Hangman, Grape, Slate, Sheep together with islets, rocks, and flats adjacent thereto, provided that existing private uses not inconsistent with the purposes of this act may be permitted to continue subject to periodic review.

Said acquiring agency is further authorized to acquire by gift or otherwise any island, islet, rocks, flat land or portion thereof in Boston Harbor owned by any city or town or agency of the federal government.

Section 2. The acquiring agency shall designate such lands located in, under or bordering

Boston Harbor south of a line drawn from Castle island to the neck of Deer Island which are owned or under the control of any department, commission or agency of the commonwealth and which are not actually being used as the site of a public facility, to be thereafter under the control of the acquiring agency for the purposes of this act.

Section 3. Lands acquired by or transferred to the acquiring agency shall be held and maintained for the purposes of this act under a program of maintenance and improvement pending the completion and approval of a comprehensive plan for the area and its approval by the general court, and the acquiring agency may expend such sums as may be provided by section four of this act for the development, redevelopment, construction and improvement of outdoor recreation areas and associated facilities on lands acquired or transferred to it under this act.

Section 4. The acquiring agency is hereby authorized and directed to expend a sum not to exceed three million five hundred thousand dollars to carry out the provisions of sections one, three and six of this act, including all expenses in connection therewith. To meet the expenditures necessary in carrying out the provisions of this act, the state treasurer shall, upon request of the governor, issue and sell at public or private sale bonds of the commonwealth, registered or with interest coupons attached, as he may deem best, to an amount to be specified by the governor from time to time, but not exceeding, in the aggregate, the sum of three million five hundred thousand dollars. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Boston Harbor Islands Acquisition, Act of 1970 and shall be on the serial payment plan for such maximum term of years, not exceeding twenty years, as the

governor may recommend to the General Court pursuant to Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth, the maturities thereof to be so arranged that the amounts payable in the several years of the period of amortization other than the final year shall be as nearly equal as is in the opinion of the state treasurer it is practicable to make them. Said bonds shall bear interest semiannually at such rate as the state treasurer, with the approval of the governor, shall fix. The initial maturities of such bonds shall be payable not later than one year from the date of issue thereof, and the entire issue not later than June the thirtieth, nineteen hundred and ninety-nine. Seventy-five per cent of all interest payments and payments on account of principal on such obligations shall be paid from the metropolitan parks district fund, to be assessed by methods fixed by law, and the balance shall be paid from the State Recreation Areas Fund, to be assessed by methods fixed by law.

Section 5. The acquiring agency shall have authority to contract with agencies of the federal government for the receipt of funds.

Section 6. The acquiring agency shall prepare comprehensive plans to carry out the purpose of this act, may engage such consultants as are necessary and shall submit the results of its investigation, study and planning to the general court.

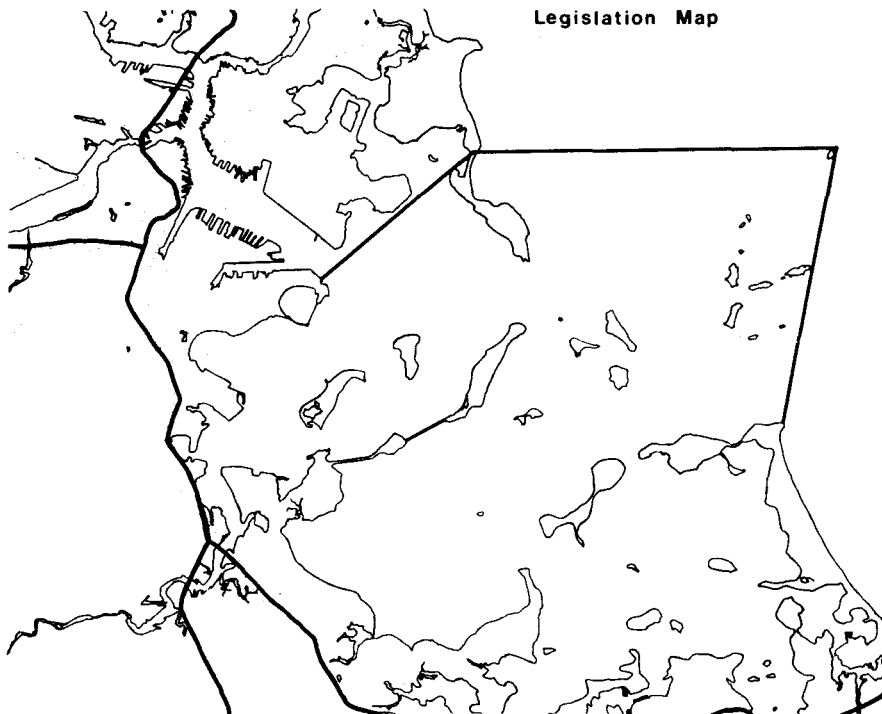
Section 7. The provisions of this act are hereby declared to be severable and if any such provision or the application of such provision to any person or circumstances shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not be construed to affect the validity or constitutionality of any of the remaining provisions of said sections or the application of such provision to persons or circumstances other than those as to which it is held invalid. It is hereby declared to be the legislative intent that said sections would have been adopted had such invalid or unconstitutional provisions not been included therein.

Section 8. This act shall not be construed to limit the power or authority of any department, board or commission of the commonwealth or of any political subdivision thereof or any public authority except where expressly provided otherwise herein; provided, however, that in, under or bordering Boston Harbor there shall be no acquisition of land by any such public agency or instrumentality other than the acquiring agency without the approval of the acquiring agency, and no public land on or bordering said area may be sold, leased or used as a dump or refuse disposal area, and no sand, gravel or soil may be removed therefrom or deposited thereon, and no structure may be built thereon, without the approval of the acquiring agency.

Section 9. For the purposes of this act, Boston Harbor shall be defined as that portion of the body of water shown on chart 246, 32d ed., Feb. 26, 1968, "Boston Harbor," U.S. Coast and Geodetic Survey, which lies to the west of a line beginning at the tower on Allerton Hill in the town of Hull, thence running to the eastern most point on Outer Brewster island, thence running to the Graves lighthouse, and which lies to the south of a line beginning at the Graves lighthouse, thence running to the most northwesterly point of Deer island, thence running to the most northerly point of Spectacle island, thence running to the monument on the northeasterly shore at Fort Independence, Castle island in the South Boston district of the city of Boston.

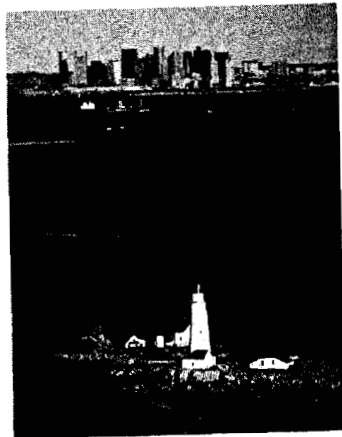
Approved August 22, 1970

Legislation Map



BOSTON HARBOR ISLANDS

REPORT
OF A
SPECIAL RESOURCE
STUDY



NATIONAL PARK SERVICE ■ NORTH ATLANTIC REGION

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