

APPENDIX B

CHAPTER 21A. EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

Chapter 21A: Section 1. Executive office of environmental affairs; creation; secretary; acting secretary; undersecretary.

Section 1. There shall be an executive office of environmental affairs, hereinafter called the office, which shall be under the supervision of a secretary of environmental affairs, hereinafter called the secretary. Said secretary shall be appointed by the governor and shall be a person of skill and experience in the field of environmental affairs. Said secretary shall serve at the pleasure of the governor, shall receive such salary as may be determined by law, and shall devote full time to the duties of his office.

In the case of a vacancy in the office of secretary, or in the case of disability, as determined by the governor, or in his absence, the governor may designate an acting secretary to serve as secretary until the vacancy is filled or the absence, or disability, as determined by the governor, ceases. The acting secretary shall have all the powers and duties of the secretary and shall have similar qualifications as the secretary.

The secretary shall, with the approval of the governor, appoint and may remove, an undersecretary of the executive office, hereinafter called the undersecretary. Said undersecretary shall be a person of skill and experience in the fields of administration and environmental affairs, and shall perform such duties as may be assigned by the secretary. The position of undersecretary shall not be subject to the provisions of chapter thirty-one or section nine A of chapter thirty. Said undersecretary shall receive such salary as may be determined by law and shall devote full time during business hours to the duties of his office.

Chapter 21A: Section 2. Duties and functions; inter-agency information, services and plans; filing applications.

Section 2. The office and its appropriate departments and divisions shall carry out the state environmental policy and in so doing they shall:

- (1) develop policies, plans, and programs for carrying out their assigned duties;
- (2) provide for the management of air, water and land resources to assure the protection and balanced utilization of such resources within the commonwealth, realizing that providing safe water to drink and clean air to breathe is a basic mandate;
- (3) provide for the propagation, protection, control and management of fish, other aquatic life, wildlife, and endangered species and promote and further develop hunting, fishing, recreational and competitive marksmanship, and trapping opportunities in the commonwealth;
- (4) aid in the promotion and development of the food and agricultural resources of the

commonwealth to preserve agricultural lands, and insure an adequate supply of high quality farm products;

(5) provide for the regulation and management of marine and coastal fisheries and natural resources including those located in the territorial waters, the economic zone waters and the continental shelf, wetlands, estuaries, shorelines, and interior of the commonwealth;

(6) promote the perpetuation, extension, and proper management of the public and private forest lands of the commonwealth;

(7) develop statewide policies regarding the acquisition, protection, and use of areas of critical environmental concern to the commonwealth;

(8) develop and administer programs relating to recreation including the acquisition of land, development of facilities, and the provision of advisory services to municipalities and private organizations;

(9) promote the best usage of land, water, and air to optimize and preserve environmental quality by encouraging and providing for, in cooperation with other appropriate state agencies, planned industrial, commercial, recreational and community development;

(10) provide for the prevention and abatement of water, land, air, noise, and other pollution or environmental degradation;

(11) promote the preservation and enhancement of natural, scenic, historic, and aesthetic qualities in both urban and rural areas;

(12) provide for the control of insects, plant diseases, and pests, and regulate the use, and disposal of pesticides;

(13) develop programs relating to the reclamation or disposal of solid waste material and the operation of sewer and water systems;

(14) encourage the restoration and reclamation of degraded or despoiled areas, including harbors and inland and coastal waters;

(15) manage all lands and properties acquired by or assigned to them to preserve their natural beauty, wilderness, or open character or hydrological, geological, historical, scientific, wildlife management, recreational or other significance or value;

(16) assist other state and regional agencies in developing appropriate programs and policies relating to land use planning and regulation in the commonwealth;

(17) analyze and make recommendations, in cooperation with other state and regional agencies, concerning the development of energy policies and programs in the commonwealth;

(18) advise, assist, and cooperate with such other departments, agencies, authorities, officials, and institutions, including state institutions of higher learning, as may be concerned with or involved in matters under their control or supervision;

(19) encourage recycling, resource recovery and environmentally sound purchasing practices to conserve resources and reduce waste;

(20) monitor the environment to identify changes and to insure efficient and effective control practices;

(21) develop environmental data management capabilities to aid environmental planning and decision-making;

(22) encourage, support, and undertake research and development and maintain

laboratory and other research facilities to produce information relating to the ecological system, pollution prevention and abatement, resource management, and other areas essential to implementing the environmental policies of the commonwealth;

(23) advise and assist local governments, private and public institutions, organizations and associations, businesses, industries, and individuals by providing and acting as a clearinghouse for environmental information, data, and other materials;

(24) promote the development of sound environmental education programs;

(25) represent and act on behalf of the commonwealth in connection with federal grant programs;

(26) keep accounts, records, personal data, enter into contracts, adjust claims, accept gifts, grants, bequests and devises, and subject to appropriation acquire real or personal property by eminent domain or otherwise;

(27) advise and assist state agencies, cities, towns, and other units of local government in the preparation of grant or loan applications with respect to any environmental protection or enhancement programs;

(28) promulgate rules and regulations necessary to carry out their statutory responsibilities;

(29) consistent with their statutory responsibilities, implement the coastal zone management program established pursuant to section four A.

In order to assist the office in the discharge of its duties, the secretary may request from any agency or political subdivision of the commonwealth any information relevant to the discharge of such duties.

An information copy of each application submitted by any state agency, including all state institutions of higher learning or any political subdivision to any public or private agency for a grant or loan with respect to any environmental protection or enhancement program, including the acquisition of land and facilities for these purposes shall be filed with the office not later than the twentieth day after submission.

As the primary agency of the commonwealth for environmental planning, the office shall utilize the services and plans of regional planning agencies, conservation districts, conservation commissions and historical commissions in fulfilling its environmental planning responsibilities.

Chapter 21A: Section 4A. Coastal zone management office.

Section 4A. There is hereby established within the executive office of environmental affairs a coastal zone management office which shall be administered by a director who shall be appointed and may be removed by the secretary. The director shall be a person of skill and experience in the field of coastal zone management. The director shall appoint all necessary employees within his office, except as may be otherwise provided by law. The positions of director and of any employees of the office shall not be subject to the provisions of chapter thirty-one or section nine A of chapter thirty.

Massachusetts Coastal Zone Management Plan

The secretary shall direct the coastal zone management office, consistent with state law, to adopt, and from time to time amend rules, regulations, procedures, standards, guidelines, and policies which shall constitute the Massachusetts coastal zone management program. The purpose of the program shall be to secure for the inhabitants of the commonwealth the objectives and benefits of the federal Coastal Zone Management Act, 16 USC1451 et seq.