

**ZEBRA MUSSELS:  
MATRIX OF RELEVANT LEGAL FRAMEWORK Part 2**

DEP AUTHORITY	MEPA AUTHORITY	EPO AUTHORITY
<p>MGL c. 91, §§ 19 and 19A prohibit raising or lowering of water levels in a Great Pond without a DEP license.</p>	<p>MGL c. 30, §§ 61 TO 62H and MEPA regulations at 301 CMR 11.00 et seq. establish a review process that is required for projects above certain thresholds that involve some state action. The process provides for public review of the potential environmental impacts and the identification of all feasible means to avoid damage to the environment.</p>	<p>MGL c. 90B, §12, permits an Environmental Police Officer (EPO) and other law enforcement officers so authorized to stop and board any motorboat to conduct an administrative inspection of registration papers and required equipment. (Motorboat is defined to be any vessel propelled by machinery.) No authority over vessel such as a kayak, canoe or rowboat, except for PFD.</p>
<p>For structures already licensed under MGL Chapter 91, educational materials and signage could be sent out with a request to <u>voluntarily</u> disseminate and post. DEP could consider adding signage requirements to future Chapter 91 licenses. Could be authority to add, in future Chapter 91 licenses, a requirement to use designs or materials that are better than others to prevent new or additional ZM infestation.</p>	<p>The following types of actions may trigger a requirement for the MEPA review process:</p> <ul style="list-style-type: none"> <li>• Drawdown could trigger MEPA thresholds (rare species; wetlands and waterways; Areas of Critical Environmental Concern); would require DEP permit; might require permits from DCR and DFG Natural Heritage and Endangered Species Program.</li> <li>• New decontamination (washing) facilities in close proximity to water bodies could trigger MEPA review if they require state permits, are constructed by state agencies, or funded with state funds. Less likely to trigger MEPA if there is a conversion of an existing car wash facility unless the facility would significantly increase its water use or require the creation of new, impervious surfaces.</li> </ul>	<p>Appears to be nothing under Chapter 90B that would allow for inspection for ZMs or require an operator to comply with an ZM regulations prior to registering motorboat. However, if DEP, DCR DFG/OFBA had laws/regulations in place, EPO could enforce under the authority of MGL c. 21A, § 10B.</p>