

DCR Division of Water Supply Protection
Watershed Protection Regulations
General Rules and Regulations for the Protection of Watersheds and
Watershed System
313 CMR 11.09

For a complete copy of the Watershed Protection Regulations
(313 CMR 11.00) please go to
www.mass.gov/doc/313-cmr-11-watershed-protection/download

11.09: General Rules and Regulations for the Protection of Watersheds and Watershed System

In order to facilitate review of all regulations promulgated by DCR relating to Watersheds and the Watershed System, 313 CMR 11.09 includes regulations of general applicability to Waters of the Watershed System.

(1) Waters of the Watershed System.

- (a) No Person shall take or divert any Waters of the Watershed System and no Person shall corrupt, render impure, waste or improperly use any such water.
- (b) No Person shall:
 - 1. engage in any construction activity involving filling, dredging, grubbing or altering land without adequate provisions to prevent erosion resulting in clay, silt or other turbidity laden waters from entering the Waters of the Watershed System;
 - 2. construct, establish or maintain any agricultural facility or place where animal manure may be deposited or accumulated without adequate provision to prevent any manure or other Pollutant from flowing or being washed into the Waters of the Watershed System;
 - 3. engage in any other activity which could degrade the quality of Waters of the Watershed System or interfere with their use as a source of water supply.
- (c) No Person shall allow a condition to exist on such Person's property which could result in the direct or ultimate discharge of any Pollutant into the Waters of the Watershed System.
- (d) Any records of any board of health or health agent concerning matters within the Watershed shall be open to inspection by the employees and agents of DCR and DEP.
- (e) Whenever an incident occurs, is likely to occur, or a situation exists that threatens to add Pollutants to the Waters of the Watershed System, the Person causing or contributing to the pollution or potential pollution shall notify DCR and DEP immediately.

(2) Watershed System.

(a) General Regulations.

- 1. Entrance on and exit from land of the Watershed System shall be made through gates or other designated areas.
- 2. No Person is allowed within any land of the Watershed System, except from one hour before sunrise to one hour after sunset, unless authorized by a written permit from the Commissioner; or for the purposes of authorized night fishing along the Swift River downstream of the Y-pool below Winsor Dam, at Pepper's Mill Pond, or at South Spectacle Pond.
- 3. Powered boats are prohibited within the Waters of the Watershed System except in areas designated by the Commissioner.
- 4. All acts which pollute or may pollute the Waters of the Watershed System are prohibited. No litter or refuse of any sort may be thrown or left in or on any land or water within the Watershed System. All Persons within said System shall use the sanitary facilities provided for public use.
- 5. All acts which injure the property of the Commonwealth are prohibited. No Person shall injure, deface, destroy, remove or carry off any property, real or personal, under the care and control of DCR, including but not limited to, all historic artifacts and natural materials, except that the collection of edible plants, such as blueberries and mushrooms in a non-disruptive manner and for non-commercial use, is allowed. Unless otherwise authorized, the removal from the Watershed System of gravel, topsoil, stones, boulders, or other earthen material is prohibited except for removal for use by DCR for land management purposes. No Person shall build, construct, bury, or conceal any object, memorial, or structure on the property of the Commonwealth except with the written permission of the Commissioner.

11.09: continued

6. Cooking and all fires are prohibited within the Watershed System.
7. No Person shall wade or swim in any reservoir except wading while using boots for the purpose of launching boats at designated boat launch areas.
8. No Person shall wade or swim in any Tributary or Surface Waters on or within the property of the Commonwealth within the Watershed System except at areas designated by the Commissioner.
9. Organized sports activities, including but not limited to orienteering and baseball, are prohibited in the Watershed System except by written permission from the Commissioner.
10. The Division or Department and its employees are not responsible for any damage to or loss of property sustained by fishermen, or for any injury or loss of life which may be incurred in connection with public use of the reservoirs and Watershed Systems.
11. Breach of peace, profanity or other disorderly conduct offensive to the general public is strictly prohibited within the Watershed System. Possession of and drinking of alcoholic beverages is prohibited within said System.
12. No Person shall drive a motorized vehicle within the Watershed System except upon roads authorized for such use by the Commissioner. Recreational vehicles are prohibited on all Watershed System property except the use of snowmobiles in areas designated by the Commissioner. Motor vehicles shall be parked only in areas designated by the Commissioner. Operators of motor vehicles shall obey all regulatory signs unless otherwise directed by a police officer or person in charge. No Person shall willfully obstruct the free passage of vehicles or Persons within the Watershed System. Vehicle access for official use may be granted by the Commissioner.
13. No Person shall bring any animal within any Watershed System property except for horses and dogs at the Ware River Watershed at areas designated by the Commissioner.
14. The use of bicycles, skis and other means of non-motorized transportation within the Watershed System shall be permitted only in areas designated by the Commissioner.
15. No Person, except in an emergency, shall bring, land or cause to descend within any Watershed System property any aircraft except with a written permit from the Commissioner.
16. Parades, games, fairs, carnivals, fishing derbies, bazaars, gifts or solicitations for raising or collecting funds shall not be permitted within the Watershed System without written approval of the Commissioner.
17. Lotteries, raffles, gambling and games of chance are prohibited within the Watershed System. No Person shall have possession of machinery, instruments or equipment of any kind for use of same in the Watershed System.
18. Public assemblies of more than 25 persons shall not be allowed within the Watershed System without a written permit from the Commissioner.
19. No Person shall engage in any business, sale or display of goods, wares or services within the Watershed System without a written permit from the Commissioner.
20. Commercial signs and advertising are prohibited in the Watershed System, without written permission of the Commissioner.
21. No Person, unless authorized by law, license, or pennit, shall have possession of or discharge any weapon, firearm, fireworks, or other explosive on or within the Watershed System. All forms of target shooting are prohibited on or within the Watershed System.
22. No Person may hunt, shoot or trap animals on or within any Watershed System property except at times and in areas designated by the Commissioner.
23. All Persons within the Watershed System shall obey the lawful directions of regulatory signs, police officers, DCR Rangers, or persons in charge, or of Federal or Commonwealth wardens or enforcement officers.
24. The Watershed System or parts thereof may be closed for public access at the discretion of the Commissioner when necessary to protect the lands and waters under the care and control of DCR.
25. The possession of all types of metal detectors or similar devices is prohibited on all Watershed System property.

11.09: continued

(b) Special Regulations for Quabbin Reservoir.

1. Persons in compliance with Commonwealth Fish and Game Laws and Regulations, will be allowed to fish from shore in areas designated by the Commissioner. A valid state fishing or sporting license is required by any Person renting or launching a boat at any DCR facilities subject to 313 CMR 11.09. Reasonable fees for the use of boats, for rental of outboard motors for fishing purposes, or use of DCR facilities, including parking and boat ramps, may be charged by DCR. Fishing from the shorelines of Quabbin Reservoir and its tributaries within the Watershed System or fishing from boats shall be allowed only during a season designated by the Commissioner.
2. Persons permitted to fish from boats shall, at all times, be responsible for the sanitary condition of the boats. Persons younger than 16 years old must be accompanied by a Person possessing a valid fishing license in order to boat on Quabbin Reservoir.
3. Only boats of a minimum length of 12 feet, and of a type considered safe by DCR, shall be used. No inboard motors, collapsible boats, sailboats, pontoon boats, square sterned canoes, or other similar craft will be permitted in the water, and no boats will be permitted in the water except in areas designated for boating by the Commissioner. Outboard motors shall have a rating of not more than $\frac{1}{2}$ the Boating Industries of America (BIA) or Outboard Boating Council (OBC) rated horsepower for the boat and shall not exceed 20 horsepower for two-stroke engines and 25 horsepower for four-stroke engines, except that outboard motors for DCR boats less than 14 feet six inches in length shall not exceed ten horsepower. Boats less than 14 feet six inches in length will be limited to three occupants, and boats of that length and in excess thereof may carry four occupants. No boats shall carry more than four occupants. Canoes, kayaks, and jon boats of a minimum length of 12 feet, and of a type considered safe by DCR, shall be used only in areas designated for boating by the Commissioner on Pottapaug Pond above the regulating dam and at Gate 31 above the regulating dam. Canoes less than 16 feet and jon boats less than 14 feet six inches in length will be limited to two occupants, and canoes and jon boats in excess thereof may carry three occupants. All boats must be in compliance with current Commonwealth boating laws. All boats must be clean and contain no refuse of any kind. DCR personnel shall have the right to inspect all private boats launched at Commonwealth facilities and may deny access in order to protect water quality or the safety of occupants. Chock blocks must be used on vehicles when removing boats from the Reservoir.
4. No Person shall operate a motor boat at a speed other than reasonable and proper or in such a manner as to annoy or endanger the occupants of other boats.
5. All privately-owned boats, motors and other equipment must be removed from Watershed Property of DCR each day.
6. Boats shall not leave the mooring areas before dawn, and must return at the time posted at each mooring area. The beaching of boats at any point except at the designated mooring and landing areas is strictly prohibited, except in cases of extreme emergency.
7. Any violation of 313 CMR 11.09 will be deemed sufficient cause for revocation of fishing privileges for a period of time not less than one year from the time of violation.

(c) Special Regulations for Ware River.

1. Persons in compliance with Commonwealth Fish and Game Laws and Regulations will be allowed to fish in the Ware River in areas designated by the Commissioner.
2. Powered boats and powered canoes are prohibited within the Ware River Watershed Reservation.
3. On Watershed System property outside of the Ware River Watershed Reservation, outboard motors on boats launched from DCR property shall be limited to 20-horsepower for 2-stroke engines and 25-horsepower for 4-stroke engines, except that larger motors may be allowed on the portion of Long Pond that is south of Route 122 in Rutland with a written permit from the Commissioner.
4. Any violation of 313 CMR 11.09 will be deemed sufficient cause for revocation of fishing privileges for a period of time not less than one year from the time of violation.

(d) Special Regulations for Wachusett Reservoir.

1. Persons in compliance with Commonwealth Fish and Game Laws and Regulations will be allowed to fish from the shore of Wachusett Reservoir in areas designated by the Commissioner.

11.09: continued

2. Boating is prohibited in Wachusett Reservoir.
3. Fishing from the shoreline of the Reservoir shall be allowed only during a season designated by the Commissioner.
4. Any violation of 313 CMR 11.09 will be deemed sufficient cause for revocation of fishing privileges for a period of time not less than one year from the time of violation.
- (e) Special Regulations for Sudbury Reservoir.
 1. Persons in compliance with Commonwealth Fish and Game Laws and Regulations will be allowed to fish from the shore of the Sudbury Reservoir in areas designated by the Commissioner.
 2. Boating is prohibited on Sudbury Reservoir, Foss Reservoir, Stearns Reservoir, and Brackett Reservoir except in areas designated by the Commissioner.
 3. Any violation of 313 CMR 11.09 will be deemed sufficient cause for revocation of fishing privileges for a period of time not less than one year from the time of violation.

11.00: Enforcement

(1) Any Person who, without lawful authority, takes or diverts any Waters of the Watershed System or corrupts or defiles any such Waters or any source of such Waters or who violates and refuses to comply with any rule, regulation or order of DCR shall be subject to the fines set forth in M.G.L. c. 92A½, § 9. The provisions of 313 CMR 11.00 shall be enforced upon petition of the Commissioner or of any town or Person interested by the Supreme Judicial Court or Superior Court or any justice of either court as provided in M.G.L. c. 92A½, § 10. In addition, upon written request by the Division, DEP shall have the authority to enforce the provisions of St. 1992, c. 36 and 313 CMR 11.00 by all legally permitted enforcement mechanisms including, but not limited to: issuing notices of noncompliance; convening pre-enforcement conferences; issuing water supply orders pursuant to M.G.L. c. 111, § 160; and imposing administrative penalties pursuant to M.G.L. c. 21A, § 16 and 310 CMR 5.00: *Administrative Penalty*. Such written request by the Division to DEP may seek enforcement for a specified type of violation or area, for a designated group of cases or for an individual matter.

(2) Any person determined by DCR to have acted negligently in requiring a search and rescue response by DCR may be required to make restitution for the cost of those services as determined by the Commissioner.

11.01: Severability

If any provision or any part of 313 CMR 11.00 or the application thereof, is held to be invalid, such invalidity shall not affect any other provision of 313 CMR 11.00.

11.12: Forms

Forms for use under 313 CMR 11.00:

- (1) Form 1 - Request for Watershed Determination of Applicability
- (2) Form 2 - Applicability Decision
- (3) Form 3 - Application for Variance
- (4) Form 4 - Variance Decision for Recording in Registry of Deeds
- (5) Form 5 - Request for Exemption of a Tributary

Forms 1, 3 and 5 and a Guidance Document, which may be of assistance in completing the forms, may be obtained from the Division at the addresses posted on its website.

REGULATORY AUTHORITY

313 CMR 11.00: M.G.L. c. 92A½, §§ 1 through 20; St. 1992, c. 36.