



SO WHO OWNS THE SHORELINE ANYWAY?

In accordance to the Public Waterfront Act (Massachusetts General Law Chapter 91), which dates back to colonial times, the state owns the coastal waters and the land under the water below the historic low water mark. As owner of these “Commonwealth Tidelands”, the state is responsible for ensuring that the public’s rights to use and have access to these valuable areas are protected.

The public has a more limited right to “fish, fowl, and navigate” on “private tidelands” – the area between the historic high and low water marks. Finally, some public rights still apply to filled tidelands, areas along the coast that were originally public or private tidelands but were filled many decades ago. This is particularly relevant in urban areas, like Boston, where the coastline is almost entirely “fill”. In such areas, public access and other rights are protected by the state all along the waterfront.

In addition, the state also historically owns the land and water within inland “Great Ponds”, which are lakes and ponds originally 10 acres or more in size. A list of Great Ponds can be found on DEP’s web site:

<http://www.state.ma.us/dep/brp/waterway/research.htm#ponds>. Under a 1939 amendment to the Chapter 91 law, the public right of navigation is also protected in non-coastal waterways.

This information is from the MA DEP, BRP, Wetlands and Waterways Program website