

Gay Gillespie, Director
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July 21, 2000

Ms. Gillespie:

You have requested a clarification as to the definition of the boundary of Buzzards Bay and its watershed. In particular, you have noted that some Westport residents have asserted that the Westport River discharges into Rhode Island Sound, not Buzzards Bay, and therefore is not part of the Buzzards Bay watershed.

The answer to your question is simple: The definition of the boundary of Buzzards Bay or its watershed depends on who has defined these boundaries, and for what purposes.

The boundaries of geographic features and even place names, unlike political boundaries, are not always well established, and common use by the general public, definitions by scientists or geographers, or definitions adopted in laws and regulations are not always consistent. In particular, jurisdictional boundaries adopted by state or federal agencies are often defined for pragmatic administrative reasons rather than strict scientific or technical purposes.

The boundaries of Buzzards Bay and its watershed are good examples of the differing interpretation and application of geographic boundaries (Figs. 1-3). It is true that many sources define the western boundary of Buzzards Bay by a line drawn between the tower on Gooseberry Point in Westport and the tip of Cuttyhunk Island. Bolstering this view is the fact that National Oceanic and Atmospheric Nautical Chart (NOAA) 13228 (see Fig. 2) shows the waters south of Westport are labeled "Rhode Island Sound." In addition, a "COLREGS demarcation line" exists between the tower on Gooseberry Point and the tip of Cuttyhunk Island. The COLREGS demarcation line is the boundary where international boat traffic rules switch to inland water rules.

In seeming contradiction to this chart, NOAA Nautical Chart 13218 (Fig. 3) shows Rhode Island Sound and the terminus for ingoing and outgoing Buzzards Bay traffic lanes well to the southwest of the Gooseberry-Cuttyhunk line, implying that all of Westport waters are part of Buzzards Bay.

A similar problem arises when the “watershed” or “drainage basin” of Buzzards Bay are considered. From a scientific and technical point of view, the Buzzards Bay watershed includes large portions of Bourne and Falmouth on Cape Cod. These lands are included in the Buzzards Bay Comprehensive Conservation and Management Plan and Coastal Zone Management maps, and US EPA and NOAA pollution assessment maps as part of the Buzzards Bay watershed. These areas, however, are not included in state Drainage Basin watershed maps for Buzzards Bay, and Bourne and Falmouth are instead part of the “Cape Cod” drainage basin. This definition has utility, because Cape Cod is also a sole source aquifer, and a superfund site on Cape Cod affects both the Buzzards Bay and non-Buzzards Bay watershed areas in that Basin.

Ultimately, these discrepancies are not relevant because state and federal agencies adopt “jurisdictional boundaries” as a matter of administrative convenience for their agency. These jurisdictional boundaries are meant only to serve the administrative needs and functions of these government agencies. For example, Chapter 130: Section 5 of the Massachusetts General Laws establishes Jurisdictional Boundaries between the Director of Marine Fisheries and the Director of the Division of Fisheries, Wildlife and Law Enforcement as follows:

“ [the directors] shall from time to time determine and establish the jurisdictional boundaries of each agency in rivers and streams flowing into the sea. Said jurisdictional boundaries may be based upon existing, man-made, natural, geographic or other known landmarks, or determined and established by other appropriate methods or means. The determination and establishment of any jurisdictional boundary made pursuant to this section shall serve solely to distinguish the jurisdiction of the [agencies] ... for purposes of fisheries management authority, shall be prima facie evidence of the jurisdiction of each respective agency, and shall have no other independent legal significance.”

Below I summarize Buzzards Bay jurisdictional boundaries adopted by agencies that are of significance to the Town of Westport.

- 1) The Buzzards Bay Project National Estuary Program adopted in our Comprehensive Conservation and Management Plan (CCMP) a jurisdictional definition of Buzzards Bay and its watershed as running from the Massachusetts-Rhode Island Border to the tip of Cuttyhunk. This Buzzards Bay CCMP line is not overtly inconsistent with either NOAA nautical chart 13228 or nautical chart 13218 (see Figs. 2 and 3). This decision was made in part to enable the Buzzards Bay Project to provide grants and technical assistance to the Town of Westport. The Town of Westport concurred, and endorsed the Buzzards Bay CCMP, which was approved by the US EPA and adopted by the Commonwealth as policy. As a matter of policy, the Buzzards Bay Project provides grants from US EPA Clean Water Act Section 320 funds within this jurisdiction boundary and complimentary watershed area.
- 2) The Commonwealth of Massachusetts established 30 major drainage basins in Massachusetts codified as part of the state Surface Water Quality Standards (314 CMR 4.00). All 351 Commonwealth municipalities are included in one or more of these drainage basins. These drainage basins do not always precisely coincide with actual

drainage basin or water resource boundaries. These drainage basin boundaries have been adopted as jurisdictional boundaries by a number of state agencies (including the Watershed Initiative Basin Teams) for many purposes, from managing technical assistance programs to establishing pollution discharge permit renewal cycles. For practical administrative purposes, any Commonwealth municipality that is split by a drainage basin boundary may be assigned to only one drainage basin for relevant permitting and technical assistance programs.

- 3) The US EPA is about to adopt a “Buzzards Bay” Boat No Discharge Area that includes all of the waters of the Town of Westport to the Rhode Island border and the waters of the Town of Gosnold to the tip of Cuttyhunk Island. The Town of Westport has endorsed this designation. On nautical chart 13218 (Fig. 2), the southwestern waters of the Town of Westport are labeled within Rhode Island Sound.

In summary, the Town of Westport was included in state and federal jurisdictional boundaries for Buzzards Bay for various reasons. These jurisdictional boundaries were endorsed by the Town of Westport, and do not adversely affect the Town. It is conceivable that some day Town of Westport officials will petition legislators and state and federal agencies to create their own Westport Rivers –Rhode Island Sound drainage basin. However, until that occurs, the Westport River and the Westport Rivers will remain within the jurisdictional boundaries of the Buzzards Bay National Estuary Program and the Buzzards Bay Basin Team.

I hope this answers your question. Please do not hesitate to call if I can be of further assistance.

Sincerely,

Dr. Joe Costa
Executive Director

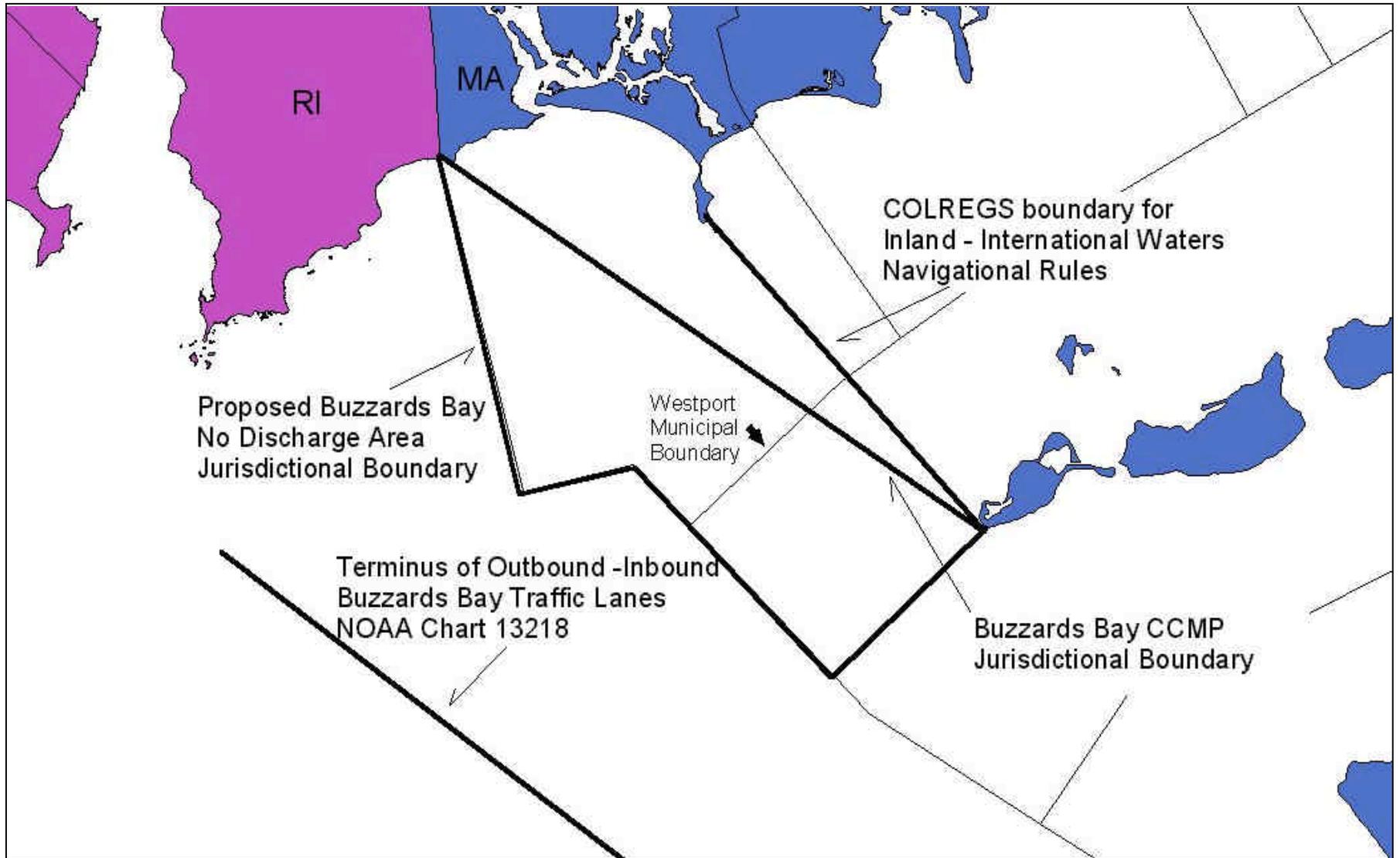


Figure 1. Overview of various jurisdictional boundaries.

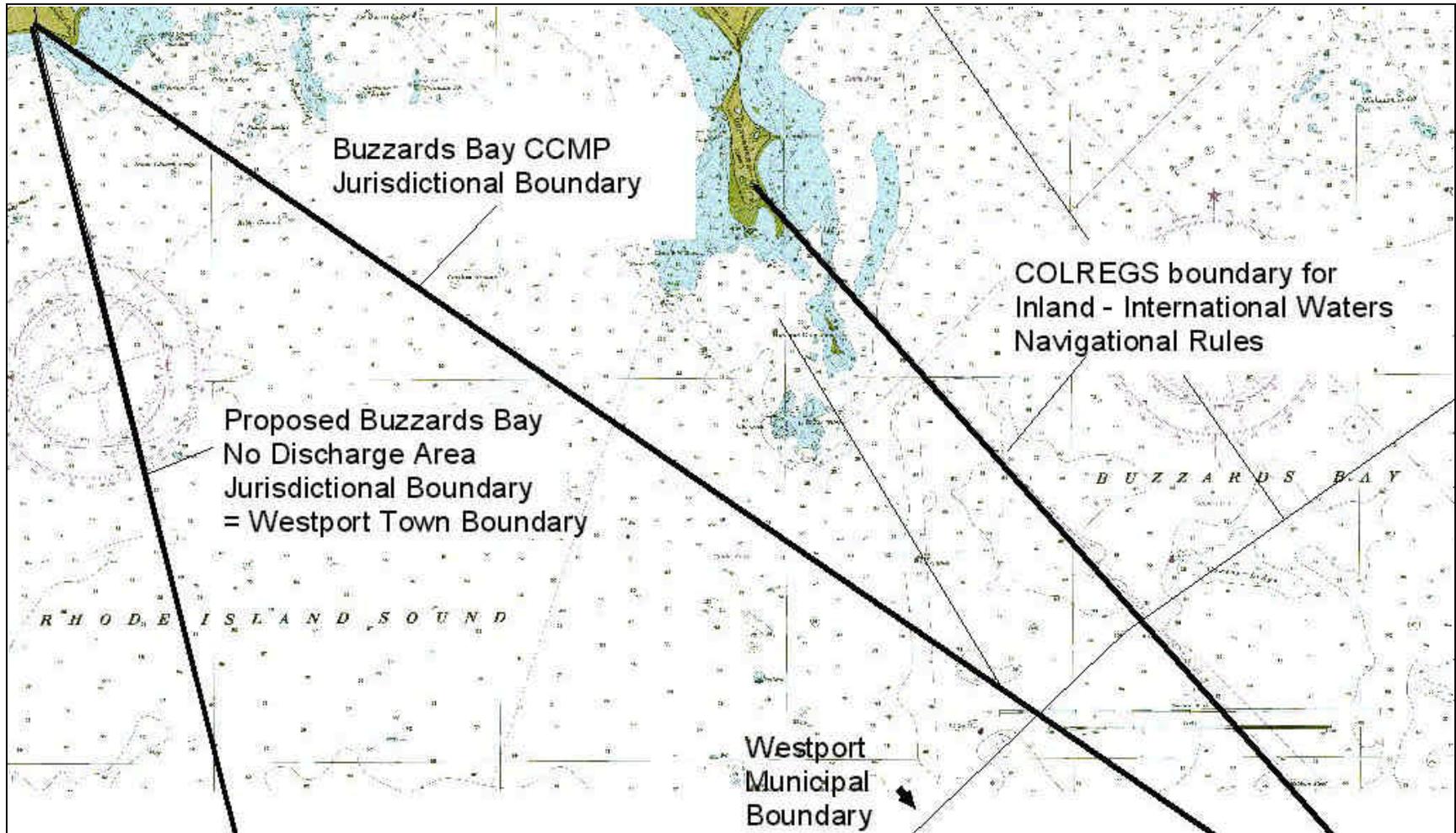


Figure 2. NOAA Nautical Chart 13228

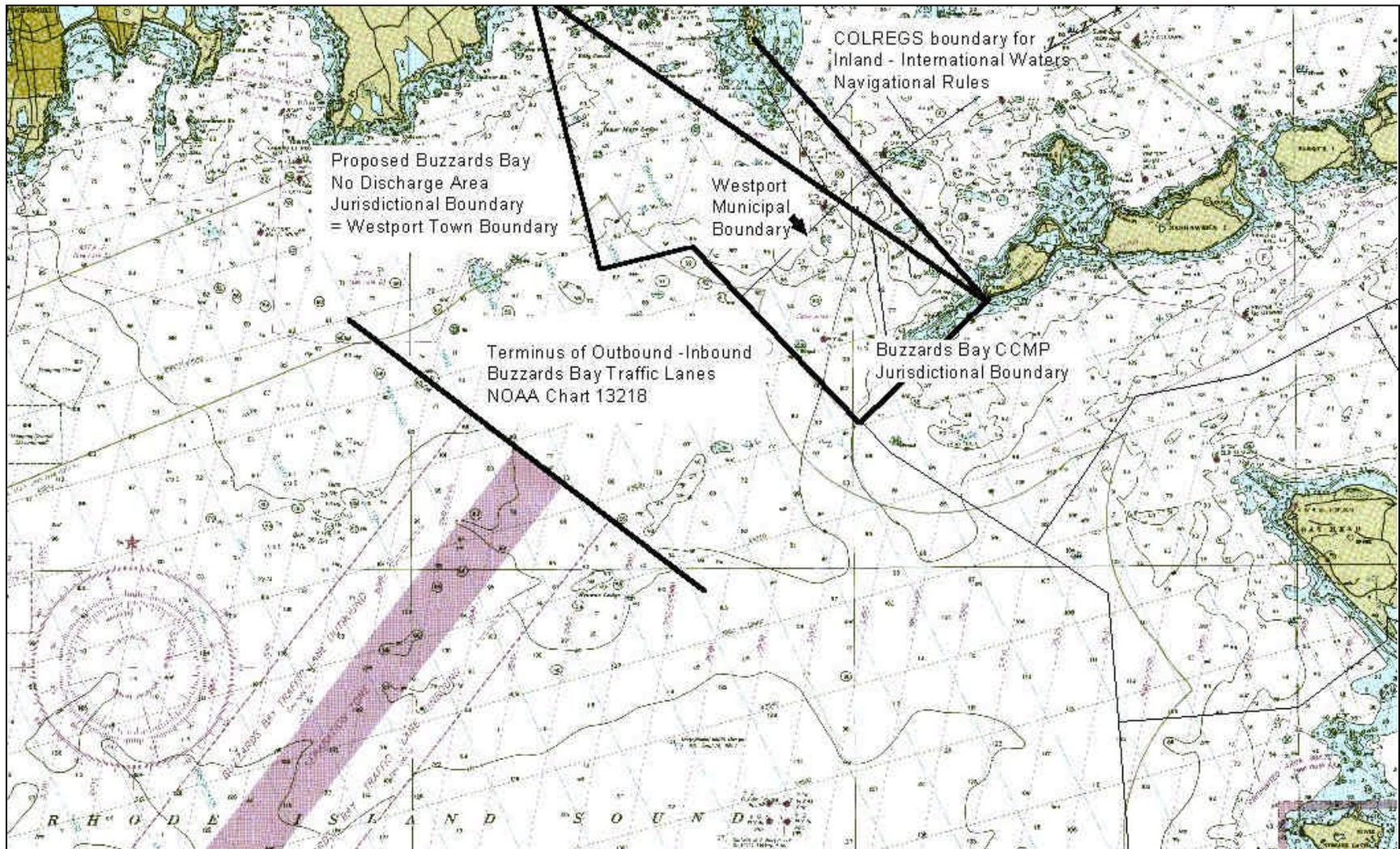


Figure 3. NOAA Nautical Chart 13218.