

Shoreline Ownership & Access in Massachusetts

Colonial Ordinances of 1641-1647: Extended the private ownership from the Mean High Water Line to the Mean Low Water Line, or 100 rods from the mean high-water line, whichever is less. Previously, ownership had extended only to the High Water Mark.

MGL Chapter 91 Waterways: Section 1 maintains the historical right of access to FISH or FOWL, defining Private Tidelands as “tidelands held by a private party subject to an easement of the public for the purposes of NAVIGATION AND FREE FISHING AND FOWLING and of passing freely over and through the water”

Massachusetts Courts have ruled that the scope of activities on private tidelands covered by the reserved public right of fishing, fowling and navigation is broad, and includes all of their “natural derivatives”.

Examples:

- Right to fish includes right to seek or take any fish, shellfish, or floating marine plants, from a vessel or on foot.
- Right to navigate includes the right to conduct any activities involving the movement of a boat, vessel or float, or other watercraft, as well as the transport of people and materials and related loading and unloading;
- Right to fowl includes the right to hunt birds for sport as well as sustenance.

BOTTOM LINE:

Most property owners have ownership to the LOW WATER LINE, however, the public has the right to access the area between the low and high water marks for the specific reasons listed above.