

Massachusetts Coastal and Estuarine Land Conservation Plan

Resubmitted to NOAA

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I. INTRODUCTION

A. Program Background

The Coastal and Estuarine Land Conservation Program (CELCP) was established by the Department of Commerce, Justice, and State Appropriations Act of 2002. This Act directed the Secretary of Commerce to establish a Coastal and Estuarine Land Conservation Program (CELCP) “for the purpose of protecting important coastal and estuarine areas that have significant conservation, recreation, ecological, historical, or aesthetic values, or that are threatened by conversion from their natural or recreational state to other uses,” giving priority to lands that can be effectively managed and protected and that have significant ecological value.

In Fiscal Year (FY) 2002, the National Oceanic and Atmospheric Administration (NOAA) was directed by Congress to establish guidelines that would make CELCP project selection an objective and nationally competitive process. To meet this directive, NOAA developed CELCP guidelines that were published in final form in June 2003. One of the key provisions of the guidelines is the requirement that any state that wants to participate in this voluntary program must first prepare a Coastal and Estuarine Land Conservation Plan (CELC Plan or Plan). This Plan must be submitted to NOAA for review and approval prior to the state becoming eligible to submit grant applications under the CELCP.

Between FY 2002 and FY 2006 CELCP funding was Congressionally-directed with appropriations between approximately \$16 million and \$51 million. In FY 2007 and FY 2008 NOAA conducted a competitive national ranking of projects nominated to them by the states. NOAA presented the results of this national ranking process to Congress in the form of a list of projects ranked in priority order and which were considered by NOAA to be ready and eligible for CELCP funding. Starting in FY 2009 the program is expected to shift to a 100% merit-based program, and a competitive list of potential projects will no longer be required to be sent to Congress prior to the appropriations process. With this change the NOAA announcement beginning the CELCP competitive process is also expected to switch from Fall to Spring.

B. Plan Purpose

It is expected that at some future date a NOAA approved CELC Plan will be required for any state wishing to participate in the competitive national selection process outlined for the CELCP in the NOAA guidelines. The CELC Plan provides an assessment of priority conservation needs and clear guidance for nominating and selecting coastal and estuarine land conservation projects within the state. NOAA encourages states to keep the plans simple and to make use of existing and appropriate land conservation planning efforts already conducted in the state.

Many coastal states are currently in the planning process for the development of their CELC Plans. NOAA hopes that significant portions of future funding will be awarded through the competitive selection process outlined in their guidelines.

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II. COASTAL AND ESTUARINE LAND PROTECTION PRIORITIES

The planning process used to develop the Massachusetts CELC Plan had to address several key challenges or questions to meet NOAA guidelines and ensure a steady stream of highly competitive land conservation projects. The first challenge was to determine the geographic extent of the coastal and estuarine areas that would be included within the Plan. The second was to identify the general types of lands and resources the state most wanted to protect. The planning process then focused on identification of the potential “project areas” to be included in the plan. All these issues were addressed within the context of creating a CELC Plan, using already existing state and regional plans as building blocks, that was consistent with existing plans, and also extended the thinking on how best to focus coastal and estuarine land protection within Massachusetts. These issues are discussed in greater detail within the following sections.

A. Geographic Extent of Coastal and Estuarine Areas

One of the first tasks to be completed for the Massachusetts CELC Plan was the determination of the geographic extent of the coastal and estuarine areas within the state that would be included in the Plan. In general, the desire of the Massachusetts Office of Coastal Zone Management (CZM) and the CELC Plan Advisory Group, established by CZM to help develop the Plan, was to be geographically inclusive enough to ensure a steady supply of high quality potential projects, but also limiting enough so those potential projects would likely be competitive on the national level. There were several possible options for delineating the geographic extent of the Plan. The most inclusive option would have used the coastal watershed boundary as defined by the 6217 Non-Point Source Program. This boundary includes the watersheds of all coastal rivers within the Commonwealth that discharged to the coastal waters of Massachusetts. Selection of this option would have included more than fifty percent (50.6%)¹ of the entire land area and 219 of the 351 (62.4%) municipalities within Massachusetts. The CELC Plan Advisory Group felt that having a CELCP eligibility area this large would dilute the coastal focus of the program and also potentially result in many communities located far from the coast spending significant time developing CELCP funding applications that would have a difficult time competing with proposals from municipalities with more direct contact with the coastline. Similarly, the Advisory Group also felt that projects from these more distant inland communities would have even greater difficulty competing in the national selection process. For both these reasons this widely inclusive option was not selected.

The other extreme option for delineating the geographic extent of the Plan was to include only those towns or portions of towns that were actually included within the Massachusetts Coastal Zone Boundary as originally defined in the Massachusetts Coastal Zone Management Plan in 1978. The Advisory Committee felt this option would be too limiting because, with the exception of municipalities on Cape Cod and the Islands, most coastal communities have only a very small portion of their land area within the Coastal Zone Boundary. Selection of this option would have eliminated significant portions of the most critical parts of the contributing watershed to many coastal embayments and water bodies. These still undeveloped and relatively close watershed lands can frequently provide important habitat for rare species, as well as provide undisturbed areas of what is becoming less and less available but historically common

¹ Massachusetts Coastal Nonpoint Pollution Control Plan, February 1995, Page 31

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habitat. Also, these lands are often key management areas for maintaining high water quality in coastal waters, especially when considering management of nitrogen and biological pollutants associated with development. Selection of this option would have also greatly reduced the pool of potential projects. Clearly a more expansive planning area was desirable from a natural resource perspective as well as a logistical perspective, and therefore this limited planning area was not selected.

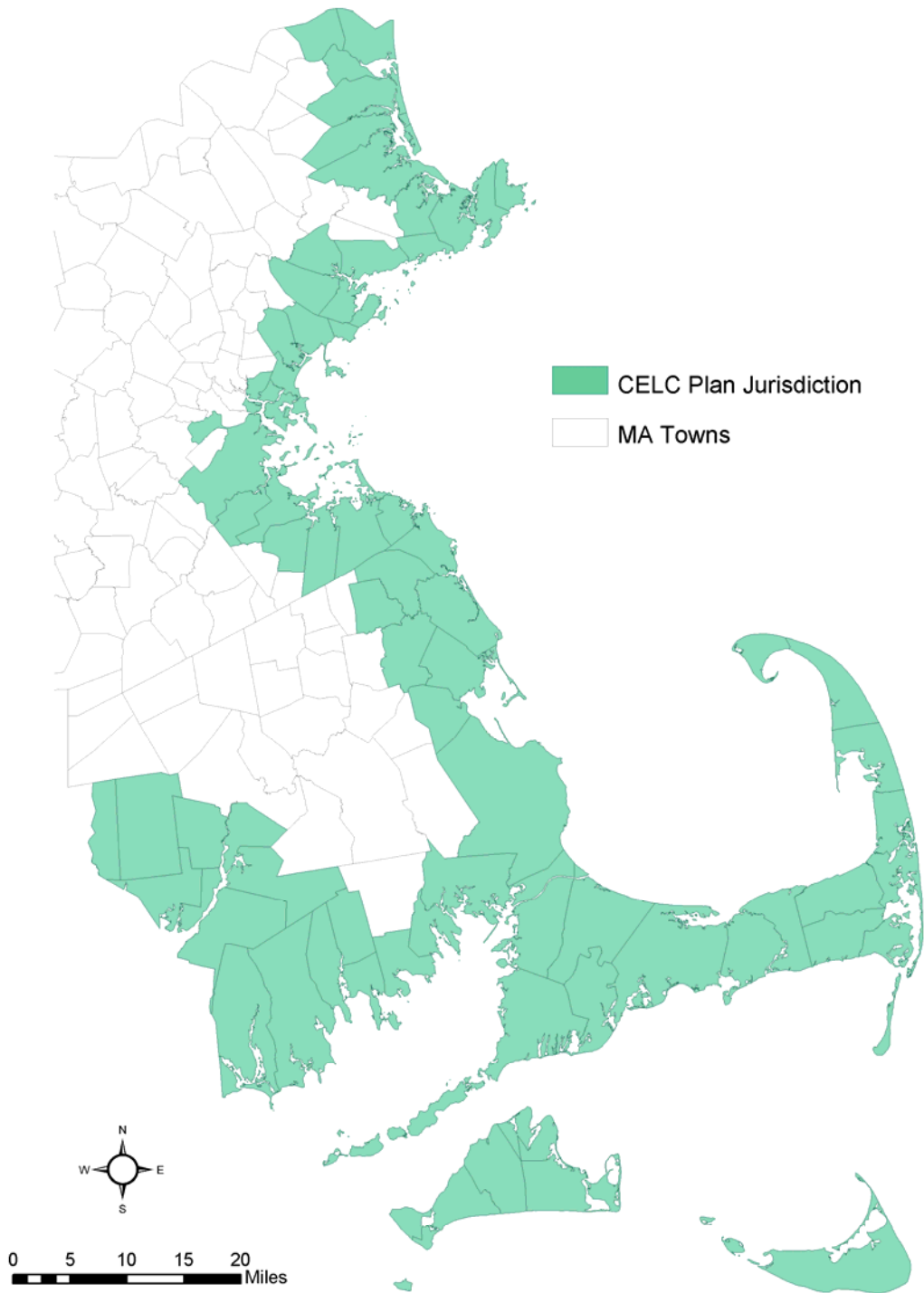
The third option considered was to include the entire municipality of all towns or cities that have any portion of their land within the Coastal Zone Boundary. In the opinion of the Advisory Group, this option presented the best mixture of inclusiveness to ensure an adequate supply of potential projects, and selectivity to help ensure competitiveness on the national level. The group also felt this option offered coastal municipalities the greatest opportunity for using the CELCP to help effectively manage their coastal and estuarine resources by giving them the flexibility to target potential projects in the most important portions of the contributing watershed to coastal and estuarine water bodies and shorelines.

Selection of this third option was also very consistent with the Massachusetts Coastal Zone Management Program, which views communities holistically, and considers a municipality with any portion of its land within the Coastal Zone Boundary as a coastal community. With this decision, the entire land area of 78 coastal communities becomes eligible to compete both at the state and federal level for CELCP funding. This geographic delineation includes approximately 21 percent of the Commonwealth's land area and about 22 percent of its municipalities. These 78 coastal communities are currently experiencing tremendous growth pressures. The richness of coastal natural resources that make these communities desirable places to live are often the same coastal resources that the Massachusetts CELC Plan strives to protect. A map of the proposed geographic extent of the coastal and estuarine lands within Massachusetts for the purposes of the CELCP can be seen in Figure 1.

B. Types of Lands/Values to Be Protected

The CELCP authorizing language states the intent to protect lands "that are threatened by conversion from their natural or recreational state to other uses." The CELC Plan Advisory Group believes that almost all the undeveloped land within the coastal communities of Massachusetts is threatened by development or conversion, with the possible exception of certain wetlands, which may not be developable under the state's Wetland Protection Act Regulations (310 CMR 10.00). Massachusetts is a relatively developed state, especially throughout its coastal areas. Additional pressure from development is intense everywhere in the area included within the CELC Plan; only the immediacy of the development threat varies depending on the stage of the local subdivision process. However, this CELC Plan is not suggesting that the immediacy of the development threat should be a large factor in setting our state's CELC Plan priorities or in selecting specific projects for submittal to NOAA. Unfortunately, the immediacy of the development threat can sometimes cause significant increases to the price of a particular parcel of land, and since state, federal, and local funding resources are always limited, this will mean that economics will often play a role, although a secondary one, in project selection. The Massachusetts CELC Plan focuses on the lands that are likely to have one or more of the values outlined in the NOAA CELCP guidelines: ecological, conservation, recreational, historical, and aesthetic. All of these values are in need of protection in coastal portions of the

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Source: MassGIS

FIGURE 1—CELC Plan Jurisdiction

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state while opportunities still exist, especially ecological, recreational, and conservation values. The project proponent for each potential CELCP project submitted to the state will be expected to provide detailed information regarding how that particular piece of land is significant from the perspective of all five values.

The following five attributes were used to help identify the broad priorities for the Massachusetts CELC Plan. In the opinion of the CELC Plan Advisory Group shoreline environments, coastline environments within a 2000-foot buffer of the shoreline, state identified “core habitats” for rare species, large relatively undisturbed natural habitats and the broad conservation values they provide, and buffer zones along fresh surface waters and trails/greenways each has a close connection to the values articulated by Congress in the CELCP. In fact many of the attributes are by nature coexistent and can have positive impacts on more than one of the CELCP values. These five broad priorities helped identify the potential “project areas” within the CELC Plan, as well as impacted the selection criteria contained in the Plan.

Shoreline Environments: Significant properties with actual coastal shoreline access tend to be very rare, very valuable, and very expensive in Massachusetts where the vast majority of coastal shoreline is privately owned. Massachusetts is also one of the few states whose private shoreline ownership rights extend down to mean low water, with the state holding only limited public rights for fishing, fowling, and navigation within the inter-tidal area. These facts combine to make the majority of the Massachusetts coastline inaccessible to the general public, and therefore increase the importance of state acquisition of shoreline sites to provide for public access and protection of aesthetic values. Preventing development on certain coastal sites also has the potential to protect important ecological habitats. Such habitat protection may support rare, threatened, and endangered species, or may protect what were once common habitats that are becoming relatively uncommon in their undisturbed and natural state because of development. In any case, protection of these values is important for the overall protection of the coastal and estuarine areas of Massachusetts.

Other Coastal Environments: These environments are defined as developable areas within a 2000-foot buffer of either the shoreline or the Federal Emergency Management’s (FEMA) V and VE flood zones.² While such areas may not be quite as desirable for development as immediate shoreline areas, they are still extremely sought after for development. These coastal environments can sometimes be highly valuable for habitat protection. From a state watershed planning perspective, these areas are almost always critically important for prevention of non-point source pollution impacts on coastal water bodies, and are often highly desirable for their recreation, aesthetic, and overall conservation values. The lowest lying areas within these buffers are often sites of ecologically valuable wetland resources, especially salt marsh. Low lying areas directly up gradient and adjacent to coastal wetlands are particularly important because they present the opportunity for future wetland development/creation in the event of significant sea-level rise.

² FEMA defines the V Zone as an area inundated by 100-year flooding with velocity hazard (wave action) where Base Flood Elevations (BFEs) have not been determined; the VE Zone is defined as an area inundated by 100-year flooding with velocity hazard (wave action) where BFEs have been determined.

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Core Habitats: Selected coastal areas of Massachusetts have been identified as “core habitat” areas for rare species of flora and fauna. Sometimes these rare species are coastal in nature such as the Roseate Tern, Piping Plover, Diamondback Terrapin, and others. These species and their habitats are of the highest priority with the Massachusetts CELC Plan. In other cases these core habitats may be associated with rare species whose biology is more inland and not directly coastally related. Regardless of this fact, core habitats within the state’s coastal zone are considered high importance within the CELC Plan. For freshwater endangered species whose core habitats are completely aquatic, the critical supporting watersheds associated with the core habitat areas were also included as priority areas. In general, these areas overlapped a great deal with the buffer zones established along fresh surface waters and discussed later in this section.

Large Undisturbed Habitats: The CELC Plan Advisory Group felt strongly about the value of protecting large properties and properties that abut or are adjacent to existing conservation holdings within the CELC Plan jurisdiction. These properties present opportunities to protect relatively undisturbed natural habitats, some of which may be rare and unique and others that at one time were common, but have become more and more rare in their undisturbed states, as development has altered and cut up what was once the original natural habitat. Providing large blocks of undisturbed habitat is a key to maintaining the natural biodiversity of plants and animals that make up the coastal and land portions of the Massachusetts Coastal Zone, whether they are rare species or more common species that are the backbone of the natural environment of the area. The Advisory Committee did not however believe that every large parcel in the planning area should be a priority. Instead, through its selection criteria, the Plan does give preference to large undisturbed properties that have been identified as potential “project areas” by other reasons.

Buffer Zones: One final protection priority contained within the CELC Plan is buffer zone areas along fresh surface waters leading to the coast, and also along trails and greenways within the planning area. Buffer zones have tremendous value from a water quality perspective. The coastal zone is widely impacted by pollutants that are transported to the coast via the connecting freshwater streams and rivers. Biological pollutants from roads and other surface runoff have the potential to close shellfish beds and swimming beaches, and cause significant public health concerns. Excess nitrogen can cause many coastal embayments, especially those that are poorly flushed, to become overly enriched with excessive algal growth. This condition is typically referred to as eutrophication, and can result in overall ecological habitat decline and destruction. Excess sediments and dramatic flow or temperature swings can also impact a stream’s ability to serve as anadromous and catadromous fish runs or to provide forage for other coastal species. Effective buffer zone management is one of the best tools to ensure pollutants do not reach coastal waters. Buffer zone management along streams and rivers also helps to ensure adequate summer base flows to support the coastal and freshwater species that rely upon these streams and rivers. Although not an ecological issue, buffer zones along rivers can also help to maintain and protect certain river valley aquifers that many of our coastal communities rely upon for their drinking water supplies. Buffer zone areas along rivers and greenways also facilitate the migration of the natural fauna that inhabits the coastal zone. Finally, greenway and trail buffers provide valuable public access including aesthetic and recreational opportunities to the people living in and near the Commonwealth’s coastal areas, and help sustain a high quality of life.

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C. Project Area Identification

Existing state planning efforts, which had input from regional and local plans and organizations, and other criteria developed during the CELC Plan process were used to develop the CELC Plan Map of potential “project areas.” (These planning efforts are discussed in greater detail in Section D below.) One of the major categories of lands included in the Plan was the state mapped “Core Habitat” areas. In 2001 the Massachusetts Department of Fisheries, Wildlife & Environmental Law Enforcement, Division of Fisheries & Wildlife, Natural Heritage & Endangered Species Program (Now part of the renamed Massachusetts Department of Fish and Game) completed a planning document entitled “*BioMap--Guiding Land Conservation for Biodiversity In Massachusetts*” (BioMap). (See Attachment 1 for a copy of the BioMap report.) The goal of the BioMap Project was to map terrestrial and wetland areas that were “most in need of protection to conserve biodiversity for generations to come” in Massachusetts. The BioMap identified “Core Habitat” areas as well as “Supporting Natural Landscape” areas for the terrestrial ecosystems of the entire state. These “Core Habitat” areas were automatically identified as priorities in a subsequent state planning effort know as the “*Statewide Land Conservation Plan*” (SLCP), and since the SLCP map/GIS overlays were a starting point for the CELC Plan, the terrestrial and wetland “Core Habitat” areas were included in the Plan. (See Attachment 2 for a copy of the SLCP Map.) “Core Habitat” areas contain the most viable populations of rare plant and animal species in the state, as well as the most viable natural communities, but not necessarily rare species, in Massachusetts.

While the SLCP included all the “Core Habitat” areas identified in the BioMap planning process, other areas were also identified through the SLCP planning process, and were therefore included in the CELC Plan. The SLCP used an elaborate and inclusive planning process to identify additional priority areas statewide for potential protection (discussed in detail starting on Page 11). In summary, the non-BioMap areas that received at least three positive votes by being identified in conservation plans from various planning entities, conservation organizations, or state agencies because of their value for the protection of water resources, habitat, working farms and forests, greenways, outdoor recreation sites, and urban parks, were also included in the priority areas for the SLCP. It should be noted that the SLCP’s minimum mapping unit was three acres.

In 2003, following completion of both the BioMap project and the SLCP, the Massachusetts Department of Fisheries, Wildlife & Environmental Law Enforcement, Division of Fisheries & Wildlife, Natural Heritage & Endangered Species Program completed another important document entitled “*Living Waters—Guiding the Protection of Freshwater Biodiversity in Massachusetts*.” (Living Waters) (See Attachment 3 for a copy of the Living Waters report.) This document was intended to be a complementary document to the BioMap document. The focus of the Living Waters report was “to identify and map the lakes, ponds, rivers, and streams that should be the highest priority for freshwater biodiversity conservation in Massachusetts.” Similar to the BioMap project, these special areas were also referred to as “Core Habitats.” These freshwater “Core Habitat” areas included the most important habitats for rare aquatic animals and plants and exemplary freshwater habitats. The Living Waters report also identified the “Critical Supporting Watershed” areas for each of these freshwater “Core Habitat” areas. These supporting watersheds included the portion of the watershed that had the greatest potential to sustain or degrade the “Core Habitat” ecosystem. Although the core habitats identified in the

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Living Waters report were freshwater systems, those located within the CELC Plan area are part of the complex natural ecosystem of the rivers and streams that flow directly into the coastal ecosystem. The decision was consequently made to include “Critical Supporting Watershed” areas as part of the CELC Plan’s potential “project areas.” Therefore the Living Water report was the third way by which lands were made priorities within the CELC Plan.

To ensure that the Massachusetts CELC Plan had a strong coastal focus and addressed state priorities, one final strategy was used to help identify potential “project areas.” This strategy involved the use of buffer zones along selected features including the shoreline, flood zones, fresh surface waters, and regional trail networks. Undeveloped parcels within a 2,000-foot buffer to either the shoreline or V and VE flood zones as defined by FEMA, a 1,000-foot buffer to surface water streams, rivers, and ponds, or a 200-foot buffer to regional trail networks were included as potential “project areas.” The 2,000-foot buffer along the coastline was added to ensure the inclusion of all significant undeveloped coastal properties. There are very few of such coastal properties remaining and their inclusion as potential “project areas” was of high importance because of the high potential they have of addressing many of the five values identified in the CELCP. Lands adjacent to fresh surface waters are also key management areas for the protection and maintenance of coastal habitat and coastal water quality, especially the water quality of poorly flushed coastal embayments. Maintaining undeveloped areas along rivers, streams, and ponds that discharge to coastal waters helps reduce the likelihood of pollutants reaching coastal waters. These areas also have the potential to help coastal communities protect drinking water resources, although this is only of secondary importance within the CELC Plan. For these reasons the 1,000-foot buffer along these surface waters was included as one of the criteria for identifying potential “project areas”. Pollutants such as nitrogen, bacteria, viruses, sediments, and excess thermal inputs can result in coastal habitat degradation through eutrophication, shellfish and beach closures because of public health concerns, and other habitat impacts. Finally, the state wished to encourage the development and protection of regional trail networks in the coastal areas of the state, and therefore established a 200-foot buffer along these trail networks. All three of these inclusions give coastal communities increased opportunity to use acquisition projects as land and growth management strategies to reduce future pollutant loads to coastal waters, and increase their use for conservation and recreation.

Undeveloped land in Massachusetts’ coastal communities, especially land very near the coastline, is rapidly disappearing. The desire to live on or near the Massachusetts shoreline results in intense development pressures for the remaining undeveloped coastal properties. It is not surprising that the same limited universe of coastal properties also offer the greatest likelihood of having significant coastal ecological values, as well as presenting the best opportunities for public access, passive recreation, and scenic coastal vistas. The intense development of the coastal communities results in many of the remaining undeveloped parcels having an even greater conservation value to the people living around them.

Although the CELC Plan Advisory Group did not focus in detail on historic values, there was the realization that Massachusetts’ historic development pattern tended to start at the shoreline in places such as Plymouth, Cape Cod and Boston and move westward across the state. Therefore,

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logic dictated that many historic sites would have a high likelihood of being located near the shoreline within some of the state's older towns.

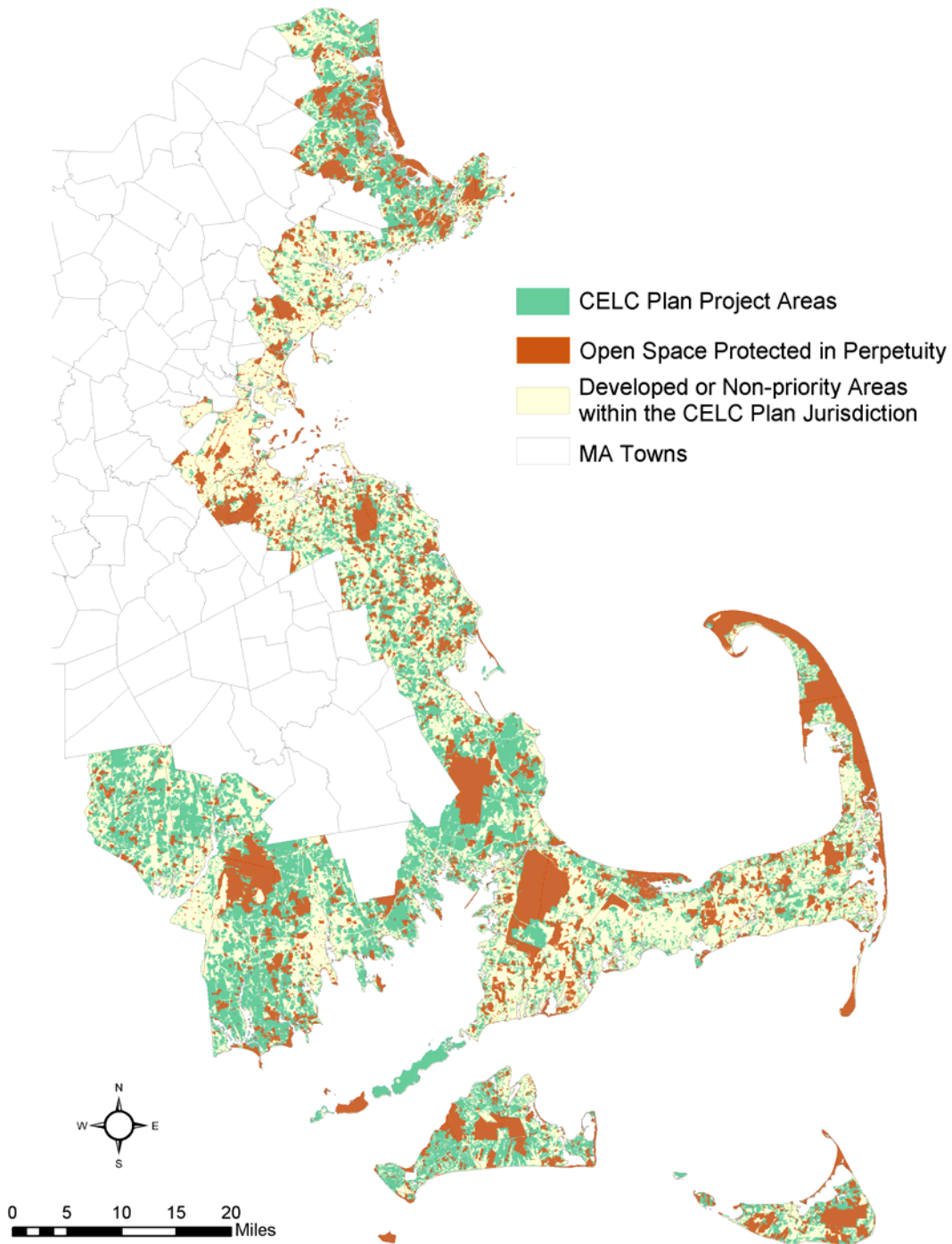
The final CELC Plan map is located in Figure 2. The green areas are the potential "project areas" for the purposes of CELCP grant applications. The red areas are already protected open space areas within the 78 coastal communities, and the yellow represents the remaining areas of the coastal communities within the CELC Plan area. It should be noted that for all the potential "project areas" included in the CELC Plan outside of the SLCP process, the minimum mapping unit was one acre. The primary reason for this smaller mapping unit for these areas was to broaden the potential number of small urban parcels that would be identified as potential "project areas". Also, the land use source data used to screen the CELCP project areas were interpreted with a minimum mapping unit of 1 acre. The minimum mapping unit on the SLCP could not be changed because those smaller land units had long been eliminated from the SLCP database.

D. Description of Existing Plans Incorporated within this CELC Plan

An early decision faced by the Advisory Group on was whether the state should create its CELC Plan from scratch or whether it should build upon existing conservation planning efforts. Given NOAA's guidelines for plans to be "...fairly simple and concise, and make use of work that has already been done..." and also given the excellent conservation planning tools recently completed by the state, the decision was simple. As discussed above, the Massachusetts CELC Plan is based heavily on two previous state planning efforts; the "*BioMap—Guiding Land Conservation for Biodiversity in Massachusetts*" (BioMap), which was completed in 2001 by the State's Natural Heritage & Endangered Species Program (NHESP), and the "*Statewide Land Conservation Plan*" (SLCP), which was a broadly inclusive planning effort completed in 2002 by a Task Force established by the Massachusetts Executive Office of Environmental Affairs. The Massachusetts CELC Plan is also based to a lesser degree on a third state planning effort, the "*Living Waters—Guiding the Protection of Freshwater Biodiversity in Massachusetts*," also completed by the NHESP.

The BioMap report focuses on the identification of terrestrial and wetland areas most in need of protection for the purposes of conserving the biodiversity of Massachusetts, especially rare species and large natural communities. This planning effort included the identification of "Core Habitat" areas and "Supporting Natural Landscapes." The SLCP's primary focus was to identify priority areas for conservation based not just on biodiversity or ecological habitat, but also on water resources, working farms and forests, greenways and outdoor recreation sites, and urban parks. The Living Waters report focused on the identification of exemplary freshwater habitats and other specific freshwater habitats that are crucial to rare aquatic plants and animals. It also identifies those portions of the waterbody's contributing watershed that have the greatest potential to sustain or degrade the special freshwater habitat. All three of these planning efforts were statewide, but none had a particular coastal focus or coastal priority. Even though they lacked this coastal focus, they had much of the information needed for development of a specific coastal plan, and Massachusetts was very fortunate to have these three recently completed reports/plans as foundations upon which to build its CELC Plan.

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Source: MassGIS, CZM, MA Executive Office of Environmental Affairs

FIGURE 2—CELC Plan Potential “Project Areas” (Note: Map displayed at this scale results in a loss of precision and the appearance of more green than if displayed at a larger scale. More detailed town-specific GIS coverages are available at: <http://www.mass.gov/czm/celcp/index.htm>.)

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BioMap: The BioMap was based on a state collected and maintained database of over 7,000 site-specific records of rare plants, animals, and natural communities that have been collected over a 22-year period. The terrestrial “Core Habitat” areas include multiple sites for 246 rare plant species, 129 rare animal species (vertebrates and invertebrates), and 92 natural community types. The report breaks down the information and presents it for 13 eco-regions across the state, four of which have overlap with the CELC Planning area. A copy of the BioMap report is included in Attachment 1 of this plan and additional information on the two data layers resulting from the BioMap biodiversity mapping project can be found at: <http://www.mass.gov/dfwele/dfw/nhesp/nhbiomap.htm>.

SLCP: The SLCP was developed by a 33-member task force that was appointed by the Commonwealth’s Secretary of Environmental Affairs in the spring of 2001, and included state and regional land trusts, state and federal conservation agencies, statewide watershed and conservation commission organizations, a regional planning agency, and a conservation foundation. The goal of this task force was to use existing statewide and regional plans and other data to develop a strategy that would protect six major resource categories of the Commonwealth including: water resources, important habitat, working farms and forests, greenways, outdoor recreation sites, and urban parks of the Commonwealth. The plan also included specific acreage goals that should be protected by the partners and a discussion of the various tools that should be considered for conservation protection. The task force met eight times over about a one-year period. More than two-dozen plans and several maps covering the important resources were computerized. The SLCP used the habitat data contained in the BioMap project as a large component of the plan. Other areas were considered to have statewide or regional significance and were included in the SLCP if they were contained on three or more regional conservation planning efforts. (Note: On Cape Cod because of the large number of regional conservation plans, land areas had to be identified on at least four conservation planning efforts to be included in the SLCP.) The SLCP was a highly public process and reflects a consensus of the major land conservation interests in the Commonwealth. As mentioned earlier, almost all of the large land conservation organizations in Massachusetts were represented on the 33-member Task Force. The SLCP was further vetted to the public through five regional meetings to gain additional input and comment on the proposed plan. These public meetings resulted in the plan being fine-tuned to include goals for each of the different natural resources the plan aimed to protect (water resources, habitat, working lands, greenways, outdoor recreation sites, and urban parks). A copy of the SLCP Map is included in Attachment 2 of this Plan.

Living Waters: The Living Waters report was based on a state-collected and maintained database of more than 600 records of rare freshwater species collected over a 25-year period. The freshwater “Core Habitat” areas include multiple sites for 23 rare aquatic plant species, 24 rare invertebrate species, and 11 rare fish species, and exemplary habitats in various freshwater environments. The report breaks down the information and presents it for the 27 major watersheds across the state, 13 of which have full or partial overlap with the CELC Planning area. A copy of the Living Waters report is included in Attachment 3 of this plan, and additional information on the two data layers resulting from the Living Waters biodiversity mapping project can be found at: <http://www.mass.gov/dfwele/dfw/nhesp/nhaqua.htm>.

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E. Final Selection of Massachusetts CELC Plan “Project Areas”

The general philosophy that guided the CELC Plan Advisory Group in identifying potential “project areas” was to be inclusive as reasonable. The desire was to allow specific project proponents the opportunity to make their case for the value of any proposed property in the solicitation process, and to have a strong pipeline of conservation projects to successfully compete at the federal level. Each of these three existing building blocks for the CELC Plan perfectly complemented the others, with the BioMap and Living Waters reports providing strong scientific-based information for terrestrial and freshwater habitat identification and with the SLCP then using this information and other data sources in a broad consensus-based planning effort. An early question faced by the CELC Plan Advisory Group was how the SLCP, including the BioMap information, should be modified to meet the needs and focus of a CELC Plan. First, the Advisory Group decided to modify SLCP by limiting the area included in the CELC Plan to only include the 78 coastal communities. (See the discussion starting on Page 3.) Second, the Advisory Group felt that the priority areas identified in the SLCP should be adjusted to be consistent with the CELCP guidelines, and to add other priorities using buffer zones to strengthen the coastal focus of the CELC Plan. Finally, the Advisory Group added those areas of the Living Waters report that had not already been included in the CELC Plan through the first two steps.

One factor that played a large role in the SLCP process but was not consistent with NOAA’s Guidelines for the CELCP was giving priority to active agricultural production. To resolve this inconsistency lands that were included in the SLCP solely because of their agricultural value were removed from consideration as potential “project areas.” This was accomplished by removing the Massachusetts Department of Food and Agriculture’s (MA DFA) votes from the original scoring in the SLCP. MA DFA focused on the agricultural value of lands and used it to the greatest extent in their voting. It should be noted that the agricultural lands that were removed as priorities usually included active cropland and or dairy farm operations. Agricultural lands that were identified in the SLCP as having other important natural resource values remained potential “project areas” because the land could be protected for those purposes. Non-farm portions of agricultural operations also remained potential “project areas.”

While there are very few working forests in the coastal portions of Massachusetts, none of these lands would have been removed from consideration as potential “project areas,” and use and management of these lands would need to be consistent with long-term conservation under the CELCP guidelines. The SLCP process also heavily weighted certain drinking water resources such as sole source aquifers, Zone II’s, and high yield aquifers by awarding them two positive votes in the weighting scheme. This double counting for drinking water resources was eliminated for the purposes of the CELC Plan, and only a single vote for a drinking water resource was retained. The Advisory Group wanted to keep drinking water in the CELC Plan as a consideration to help ensure sustainable development in coastal communities, but reduce its enhanced importance down to a level equal to other natural resources. These two modifications resulted in a small number of areas being removed from potential “priority area” designation.

Several additions were made to strengthen the CELC Plan’s coastal focus by adding land areas likely to have important coastal resources to the potential “project area” designation. One of the modifications was addition of all undeveloped lands one acre or larger within 2,000 feet of the

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marine or estuarine shoreline or select flood zones. These areas are extremely valuable because they are likely to contain or be proximate to most of the highly valuable coastal habitats in the Commonwealth. They are also likely to include some of the very low-lying areas adjacent to salt marshes that are expected to be important in the event of significant sea-level rise over the coming decades, because they will allow for landward retreat of those salt marsh systems. Another addition was undeveloped lands one acre or larger within 1,000 feet of major surface waters discharging to coastal waters. These lands, because of their direct link to coastal ecosystems through surface water streams or rivers, have the potential to impact coastal resources and habitats both directly, as in the case of anadromous and catadromous fish, and indirectly, as in the case of pollutants affecting primary productivity and public health in coastal waters. A third addition was a 200-foot buffer along both sides of existing and proposed regional trails within the planning area. These areas have the potential to impact and connect important recreational coastal resources. When combined, these three modifications significantly increased the areas identified as potential “project areas” within the CELC Plan.

A later decision made by the Advisory Group was to add the “Critical Supporting Watershed” areas of the freshwater “Core Habitat” areas. This layer was actually added after the SLCP had been tailored to include the various surface water buffer zones discussed above. GIS analysis revealed that the majority of the Living Waters “Critical Supporting Watershed” areas had already been included in the 1000-foot buffer zone areas. Consequently, this addition only changed the map of potential “project areas” minimally.

One additional minor edit to the SLCP map was the elimination of certain recently acquired conservation lands that were purchased since the time the original SLCP map was produced. It should also be noted that the minimum size of the mapping units included in this planning exercise was three acres. The CELC Plan Advisory Group also recognized that while most potential “project areas” are expected to have been included in this CELC Planning exercise, it might be possible to have not included some areas that have very high coastal and estuarine habitat values. With this situation in mind, a fail-safe provision has been included in our state eligibility requirements that allow applicants the opportunity to present a compelling argument why their specific project’s location should have been included in the Commonwealth’s CELC Plan “project areas.” If, in the opinion of the Office of Coastal Zone Management, a compelling argument is presented, the project will then be allowed to compete with other projects submitted for consideration within the grant solicitation process.

The 78 coastal communities within the CELC Plan jurisdiction constitute approximately 22 percent of the total communities and 21 percent of the total land area within the Commonwealth. Permanently protected open space within those 78 coastal communities currently accounts for approximately 22 percent of their total land area. Of the remaining 78 percent of land within those communities, about 34 percent has been identified within the CELC Plan as potential “project areas.” The remaining 44 percent is either already developed areas or areas not identified as CELC Plan priorities.

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III. MASSACHUSETTS CELC PLAN IMPLEMENTATION PROCESS

A. Massachusetts Lead Agency for CELCP

The Office of Coastal Zone Management (CZM) within the Executive Office of Energy and Environmental Affairs (EOEEA) is the lead state agency within Massachusetts responsible for the development of the state's CELC Plan and implementation of the CELC Program. The Massachusetts Coastal Zone Management Plan was finalized by the state and approved by the NOAA in 1978. In 1983, state legislation was formally adopted to establish CZM, a part of the Executive Office of Environmental Affairs, as the lead state entity responsible for the implementation of the coastal program. During CELC Plan development, CZM worked closely with an advisory group of sister state and federal agencies, and also solicited comments from a select group of non-governmental conservation organizations, as well as the 78 affected coastal communities and the public.

B. Agencies Eligible to Hold Title of Property Acquired Using CELCP Funds

NOAA guidelines require CELCP funds to be awarded to the state lead agency (CZM) or the state's National Estuarine Research Reserve (Waquoit Bay). Sub-awards can be made to other state or local governmental agencies. In most cases, CZM will pass funds to sister state agencies or eligible local governmental entities to hold title to the properties or easements acquired under this program. The following agencies are eligible to hold title to property or easements acquired using CELCP funds within Massachusetts.

- Massachusetts Department of Conservation and Recreation
- Massachusetts Department of Fish and Game
- Waquoit Bay National Estuarine Research Reserve (through the Department of Conservation and Recreation)
- Massachusetts Office of Coastal Zone Management
- Massachusetts Regional Planning Agencies with jurisdiction over portions of the Massachusetts Coastal Zone (Southeast Regional Planning and Economic Development District, Cape Cod Commission, Martha's Vineyard Planning Commission, Old Colony Regional Planning District, Metropolitan Area Planning Council, Merrimac Valley Planning Commission)
- Any of the 78 coastal communities having land within the Massachusetts Coastal Zone Boundary and identified as being within the jurisdiction of the Massachusetts CELC Plan. These include:
Acushnet, Amesbury, Barnstable, Berkley, Beverly, Boston, Bourne, Braintree, Brewster, Chatham, Chelsea, Chilmark, Cohasset, Danvers, Dartmouth, Dennis, Dighton, Duxbury, Eastham, Edgartown, Essex, Everett, Fairhaven, Fall River, Falmouth, Freetown, Gay Head (Aquinnah), Gloucester, Gosnold, Hanover, Harwich, Hingham, Hull, Ipswich, Kingston, Lynn, Manchester, Marblehead, Marion, Marshfield, Mashpee, Mattapoisett, Milton, Nahant, Nantucket, New Bedford, Newbury, Newburyport, Norwell, Oak Bluffs, Orleans, Peabody, Pembroke, Plymouth, Provincetown, Quincy, Rehoboth, Revere, Rockport, Rowley, Salem, Salisbury, Sandwich, Saugus, Scituate, Seekonk, Somerset, Swampscott, Swansea, Tisbury, Truro, Wareham, Wellfleet, West Tisbury, Westport, Weymouth, Winthrop, Yarmouth.

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C. Massachusetts CELCP Project Nomination Process

Upon initial notification from NOAA of the availability of CELCP funding under a competitive grant program, and following review of any specific NOAA selection criteria different from or in addition to what is already contained in the CELCP guidelines, CZM will prepare and distribute a CELCP Request for Responses (RFR). Typically this RFR will be the mechanism through which potential acquisition projects are solicited. Notice of the RFR will be sent to all state environmental agencies with a potential interest in using CELCP funds, regional planning agencies with jurisdiction in the coastal zone, and the 78 coastal communities with land within the Massachusetts Coastal Zone Boundary. The RFR will also be noticed on the CZM website and in CZ-Mail, CZM's electronic mail newsletter, and formally posted and made available through the state's normal proposal solicitation method (www.Comm-PASS.com).

Since issuance of this RFR will for legal reasons limit the amount of informal discussion between CZM and potential applicants, if there is adequate time notice from NOAA that CELCP funds are available in a particular year, CZM will make an effort to issue a Pre-Request for Responses notice to the same entities that will receive the RFR notification. This will allow enhanced coordination and discussion between CZM and potential applicants about the specifics of projects prior to the RFR issuance. However, the timing of any NOAA notice and subsequent application deadline may not provide adequate time for this enhanced coordination process to occur.

The RFR will include eligibility criteria that must be met for a project to be considered by the state and NOAA, and will also include the specific selection criteria that will be used by CZM to rank and prioritize prospective projects. In any particular year these criteria may be modified to address any priorities expressed by the Secretary of Environmental Affairs. These EOEAs priorities could include a particular regional focus, natural resource focus, enhanced non-federal match, or a number of any other priorities.

A full copy of the RFR used to solicit, identify, select and nominate the Massachusetts priority projects for consideration in the FY 2008 CELCP National Competitive Process is included in Appendix A of this document. For ease of review, a copy of just the eligibility requirements can be found in Appendix B, and a copy of the selection criteria used for state project ranking and selection can be found in Appendix C.

Following the application submittal deadline, a CELCP proposal review committee is typically established by CZM to help review and rank proposals. The selection criteria contained in the RFR packet will be the primary mechanism by which projects are ranked. CZM will present CELCP priority recommendations to the Secretary of Environmental Affairs for final approval. Once these priority decisions are made, CZM and other state agencies would work with the selected project proponents to ensure that each of the selected applications is as competitive as possible before it is included in the Massachusetts comprehensive CELCP proposal package to NOAA. The Commonwealth will follow NOAA's guidance regarding the number and/or value of acquisition projects that may be acceptable and appropriate to be included within the comprehensive state application package that is submitted to NOAA.

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Although the RFR process is intended to be the primary mechanism for project solicitations, if an adequate number of high quality acquisition project proposals are available to CZM from either state agencies or from municipal or regional projects proposed in response to previous RFRs, it is possible that in any given year the RFR solicitation process may be determined unnecessary and not utilized for that particular year.

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IV. CELC PLAN COORDINATION AND PUBLIC INVOLVEMENT

A. Interagency Coordination During Plan Development

CZM began the CELC Plan interagency coordination prior to the issuance of the final program guidelines from NOAA. This pre-coordination involved a meeting with the EOEEA Director of Watershed Policy in April of 2003. Following the issuance of the final guidelines from NOAA, a second meeting occurred with the EOEEA Director of Land Policy in July of 2003 to share the final NOAA guidelines and discuss an approach for interagency coordination. At this meeting, it was agreed that CZM would be given the opportunity to speak to EOEEA's Interagency Land Committee (ILC) to introduce all its participants to the CELCP. The ILC is comprised of representatives from all the environmental agencies involved in land acquisition within the Commonwealth of Massachusetts. This committee meets regularly to discuss and coordinate state land acquisition efforts. A presentation was made to the ILC regarding the CELCP in August of 2003. Following the presentation to the ILC, CZM invited all interested ILC members to participate on a CELC Plan Advisory Group. The task of this advisory group would be to work with CZM on the development of the Commonwealth's CELC Plan. The U. S. Fish and Wildlife Service was also contacted to provide a representative for the Massachusetts CELC Plan Advisory Group.

The participants on the CELC Plan Advisory Group included:

Christine Berry, MA Department of Conservation and Recreation-Division of State Parks and Recreation

James Comeau, MA Department of Conservation and Recreation-Division of Urban Parks and Recreation

Steve Hill, U. S. Fish and Wildlife Service

Dennis McNamara, MA Division of Fisheries & Wildlife/Department of Fish and Game

Robert O'Connor, MA Executive Office of Energy and Environmental Affairs-Director of Land and Forest Policy

Jennifer Soper, MA Division of Conservation Services

David Janik, MA Office of Coastal Zone Management

Marc Carullo, MA Office of Coastal Zone Management-Geographic Information System Support

The CELC Plan Advisory Group first met in October of 2003. Over the next nine months this group met approximately seven times and had numerous other email exchanges and telephone conversations to develop a draft of the Plan. In addition to developing the draft plan that would help target coastal and estuarine land conservation within the state, considerable time was spent discussing and fine-tuning the solicitation process that would be used by the Commonwealth for inviting potential project applicants to submit projects to CZM for review and prioritization. Attention was also given to the actual criteria that would be used to rank and select projects to be nominated to NOAA for the national competitive process. The selection criteria format and some of the actual criteria were modeled after the process used by the Massachusetts Division of Conservation Services in their land acquisition decisions and process. Through the Fall of 2004 and the Winter of 2005 extensive coordination occurred within EOEEA regarding the CELC Plan.

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B. Public Involvement During Plan Development

Extensive opportunity existed for public input on the CELC Plan itself, as well as on the major building block of the CELC Plan, the SLCP.

As mentioned earlier, the SLCP was developed by a 33-member task force that was appointed by the Secretary of Environmental Affairs and which represented a broad cross section of state, federal, regional, and private agencies, commissions, and organizations. Dozens of conservation planning documents, many of which had their own public input and comment process, were used to create the SLCP. The SLCP was further vetted to the public through five regional public meetings in 2001 and 2002 to gain additional input and comment. These public meetings resulted in the SLCP being fine-tuned to include goals for each of the different natural resources the plan aimed to protect. The SLCP was created through a broad and inclusive public process and reflects a consensus of the major land conservation interests in the Commonwealth.

Given the relatively recent completion of the SLCP, the CELC Plan Advisory Group felt much of the SLCP public process and comment was still useful, relevant, and applicable. Because the CELC Plan used the SLCP as its major building blocks, the Advisory Group felt a measured public comment process was best for the CELC Plan, so as to avoid confusion and the perception of duplication of the SLCP public comment process.

From October 2003 until June 2004 the Advisory Group used existing plans and resources to develop the initial draft of the CELC Plan. In early June 2004 this initial draft CELC Plan was presented to twelve major land conservation NGOs active in Massachusetts for comment, and as a way to check and validate the early planning decisions made by the Advisory Group in the development of the draft plan. The CELC Plan Advisory Group felt strongly about the importance of having these influential conservation organizations in agreement with the general approach before holding any formal public meetings or a formal public comment period on the draft plan. Seven of the 12 organizations were able to attend the meeting, and all of them were supportive of the major planning decisions and general direction of the draft CELC Plan. Either positive comments or no comments were received from the remaining five organizations not able to attend the June 2004 meeting. In general, these major land conservation organizations voiced their support for the plan and planning process, as well as for the overall Coastal and Estuarine Land Conservation Program. Their support extended to decisions and direction regarding delineation of the planning area, extensive use of previously existing state conservation planning documents, use of an RFR process coordinated by CZM as the mechanism to solicit potential project applications, general makeup of the RFR's eligibility requirements and selection criteria, and the methodology used to identify potential "project areas" within the plan.

Over the next ten months the CELC Plan was fine tuned and presented to the highest environmental officials in the state for their support prior to the final public comment phase. The plan and its supporting materials were also placed on the CZM web page for easy public access. On May 9, 2005 a letter inviting review and comment on the draft CELC Plan was sent from the Secretary of the Executive Office of Environmental Affairs to each of the Boards of Selectmen, Planning Boards, Conservation Commissions, and Open Space Committees in all of the 78 coastal communities within the jurisdiction of the plan. This letter also noticed two public

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meetings on the draft CECL Plan that were scheduled for June 9 and June 13. A notice was also included in the June 2005 issue of CZM's monthly electronic newsletter, CZ-Mail, which has a circulation of more than 1200 addresses, announcing the availability of the draft plan for review and comment, and the locations and times of the two public meetings.


While attendance at the public meetings was limited to about ten people (Appendix D), the general tone of the comments was very positive and constructive. Two written comments were also received, and these were also of a positive nature. Some of the most interesting comments included: a desire to have the plan become parcel level based instead of land use based, development of a GIS version map of the priority areas for public distribution, development of a fact sheet on the CELC Program, and inclusion of an overarching preference for National Estuary Research Reserve associated lands. These and other comments were all considered by the Advisory Group prior to the completion of the CELC Plan and its submittal to NOAA.

V. CELC PLAN CERTIFICATION AND APPROVAL

A. Plan's Consistency with the Massachusetts Coastal Zone Management Program Plan and CELC Plan Approval by the Massachusetts Office of Coastal Zone Management

The Massachusetts CELC Plan was prepared by the lead state agency, the Office of Coastal Zone Management, responsible for administering the federal consistency provision of the Coastal Zone Management Act. This CELC Plan is consistent with the enforceable policies of the Massachusetts Coastal Zone Management Program.

The Massachusetts CELC Plan is hereby approved by the Office of Coastal Zone Management.



Leslie-Ann McGee, Director

10/15/07

Date

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APPENDIX A

**CELC PLAN EXAMPLE REQUEST FOR RESPONSES/SOLICITATION FOR
PROJECTS**

Note: This example RFR was successfully used in response to the August 2006 Federal Funding Notice from NOAA's Office of Ocean and Coastal Resources Management, to solicit, identify, select, and nominate the Massachusetts priority projects for consideration in the FY 2008 CELCP National Competitive Process. A similar RFR was used for the selection of Massachusetts priority projects for consideration in the FY 2007 CELCP National Competitive Process.

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**Executive Office of Environmental Affairs
Robert W. Golledge, Jr., Secretary**

**Request for Responses
(RFR) NV 07 CZM 05
COASTAL AND ESTUARINE
LAND CONSERVATION PROGRAM**

DATED: 15 SEPTEMBER 2006

OVERVIEW AND GOALS: In response to a federal funding notice received from the National Oceanic and Atmospheric Administration (NOAA) the Executive Office of Environmental Affairs (EOEA) through its Office of Coastal Zone Management (CZM) is issuing this Request for Responses (RFR). Through this RFR, EOEA-CZM is soliciting coastal and estuarine land conservation projects for state review, prioritization, and nomination to a national selection process administered by NOAA.

The NOAA Coastal and Estuarine Land Conservation Program (CELCP) protects “important coastal and estuarine areas that have significant conservation, recreation, ecological, historical, or aesthetic values, or that are threatened by conversion from their natural or recreational state to other uses.” NOAA’s CELCP also gives “priority to lands which can be effectively managed and protected and that have significant ecological value.” CZM, through its Coastal and Estuarine Land Conservation (CELC) Plan provides guidance on the priority areas for land conservation in Massachusetts and the types of coastal and estuarine resources important for protection. CZM provides the coordinating and facilitating role for the solicitation of highly competitive coastal and estuarine land conservation projects within the Commonwealth, and also takes the lead in selecting and nominating projects to NOAA for further consideration under the national CELCP selection process. Based on this solicitation CZM will nominate to NOAA those projects believed to be most beneficial to the Commonwealth and most competitive in the federal selection process. To assist in this endeavor CZM is planning to establish an advisory committee including representatives of state agencies and others with experience and interest in land conservation activities.

Through a similar RFR issued in November 2005, CZM identified three coastal and estuarine state priority projects. These three priorities were nominated to NOAA for consideration in its national ranking process, which is a highly competitive process that ranks coastal and estuarine land conservation opportunities from all over the country. Two of the three Massachusetts priority projects ranked high enough to be included on a national list of projects that was submitted to Congress for their consideration during the Federal FY 07 budget process. Final word on whether either of these two projects will receive federal CELCP funds is currently not available.

The NOAA funding notice requires CZM to complete its solicitation and selection process and submit its nomination package to NOAA by October 27, 2006 to be eligible for NOAA review and potential CELCP funding. These NOAA CELCP funds are expected to become available in the 2008 Federal Fiscal Year sometime between March 1, 2008 and October 1, 2008. The time frame for expenditure of federal funds awarded under this program is 18 months to three years from the

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start date of the award.

BACKGROUND: As mentioned earlier, this RFR is in response to a notice of funding availability from NOAA. The notice of funding availability is intended to help NOAA meet a request from the US Senate Appropriations Committee. This request directs NOAA to assemble a list of projects that are ready and eligible for funding under the CELCP in fiscal year 2008. NOAA must submit the prioritized list of projects to Congress by April 1, 2007.

A CELC Plan for Massachusetts was developed by CZM, with assistance and participation from the Massachusetts Department of Conservation and Recreation, Massachusetts Division of Fisheries and Wildlife, EOEI Division of Conservation Services, EOEI Interagency Land Acquisition Committee, and the U.S. Fish and Wildlife Service, and included opportunity for public comment. CZM formally submitted the Massachusetts CELC Plan to NOAA for review and approval on March 8, 2006, and is awaiting response. The Massachusetts CELC Plan is available for review at CZM's web page at the following link: <http://www.mass.gov/czm/celcp/>

NOAA will use its own review and ranking process to establish a priority list of all the projects nominated for consideration by all the states and territories within the Federal Coastal Zone Management Program. This national ranking process is expected to be highly competitive.

To help ensure the most competitive projects from Massachusetts, respondents must be capable of ongoing coordination with CZM through the state selection and nomination process. **Please note that CZM does not guarantee that any application submitted in response to this RFR will be submitted to NOAA for consideration or that any NOAA funding will result from this solicitation process.**

CONTACT PERSON:

David Janik
CZM CELCP Coordinator
Office of Coastal Zone Management
251 Causeway Street, 8th Floor
Boston, MA 02114
Phone: (508) 291-3625 x20
E-mail: david.janik@state.ma.us

RESPONSE DEADLINE:

13 October 2006 at 12:30 PM

RESPONDENTS CONFERENCE:

29 September 2006 at 1:00 PM
Location: MA CZM Office
251 Causeway Street, 8th Floor
Boston, MA 02114

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RFR DISTRIBUTION (Comm-PASS): This RFR has been distributed electronically using the Comm-PASS system. It is the responsibility of every Bidder to check Comm-PASS for any addenda or modifications to an RFR to which they intend to respond. The Commonwealth of Massachusetts and its subdivisions accept no liability and will provide no accommodations to Bidders who fail to check for amended RFRs and submit inadequate or incorrect responses. Potential bidders are advised to check the “last change” field on the summary page of RFRs for which they submit a response to ensure they have the most recent RFR files.

Bidders may not alter RFR language or any RFR component files. Bidders must respond in accordance to the RFR directions and complete only those sections that prompt a bidder for a response. Modifications to the body of this RFR, specifications, terms and conditions, or which change the intent of this RFR are prohibited. Any unauthorized alterations will disqualify response.

RESPONDENT ELIGIBILITY: This RFR is open to all public governmental agencies including but not limited to: state agencies, towns, regional planning agencies, and other regional or local planning organizations. Non-government, land acquisition entities or Internal Revenue Service Code 501(c)(3) nonprofit organizations are encouraged to partner with public governmental agencies. Respondents with cooperating partners are encouraged to identify a public governmental agency as project lead.

PROJECT ELIGIBILITY: To be eligible for consideration under this program, prospective projects must:

- Be located in the coastal and estuarine project area as defined in the Commonwealth’s CELC Plan (see Attachment A for CELC Plan map, for full CELC Plan text and associated geo-spatial data see CZM web page: <http://www.mass.gov/czm/celcp/>).
- Be wholly or partially within the potential “project areas” identified in the Massachusetts CELC Plan, or the project proponent must demonstrate to the satisfaction of CZM that it should be defined as a potential “project areas”.
- Match federal CELCP funds with non-federal funds at a ratio of 1:1.
- After purchase, be held in public ownership (fee simple or conservation easements) and provide conservation in perpetuity.
- After purchase, provide for access to the general public or other public benefit, as appropriate and consistent with resource protection.
- Protect important coastal and estuarine areas that have significant conservation, recreation, ecological, historical, or aesthetic values, or that are threatened by conversion from their natural or recreational state to other uses.
- Include a management plan for the proposed project or demonstrate the ability to develop a full and effective management plan for the proposed conservation project.
- Have submitted a complete project application package to CZM prior to the submittal deadline.
- Advance the goals or objectives or implements the Commonwealth’s Coastal Zone Management Program (Attachment B—Massachusetts Coastal Zone Management Program Policies), Waquoit Bay National Estuarine Research Reserve Management Plan, national objectives of CZMA, or National Estuary Program Comprehensive Conservation and Management Plans.

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- Be consistent with the Massachusetts Coastal Zone Management Program (Attachment B—Massachusetts Coastal Zone Management Program Policies).

In general, funds will be for acquisition of properties or interests in properties from willing sellers. Certain initial costs for land stewardship, such as signage, public safety, or other selected stewardship activities may be eligible.

A condition of any grant award will be the development of a long-term stewardship plan for the property acceptable to CZM and NOAA. Additional conditions as stated in NOAA's CELCP Guidelines, or as conditions to specific grant awards may be required. (NOAA Guidelines are available at: <http://www.ocrm.nos.noaa.gov/landconservation.html>.)

SUBMISSION REQUIREMENTS: Respondents must submit a project application package that includes the following:

- A completed and signed Project Application Checklist (see Attachment C). Please answer each question thoroughly, attach additional information if necessary.
- A project description including:
 - the nature of the project, including acreages, habitats or land values to be protected, legal rights to be acquired, how federal and non-federal funds will be used, conversion threats to the property;
 - the same information as above for any property that will be used as match;
 - how the project meets state and national criteria and expected benefits of the project;
 - how the project meets each of the selection criteria of this RFR;
 - any pre-existing uses of the property;
 - benchmarks for completing the project within a specified time period;
 - a general strategy for long-term stewardship and management including what activities will be allowed to continue or occur on the property, and how they are consistent with the long-term protection of the site;
 - whether the project has been submitted for other sources of federal funding;
 - a timeline including benchmarks for completion.
- A project location including a county-scale map showing the project's general location and a project site map showing the location and extent of the proposed acquisition and its relationship to significant natural features and adjacent land uses.
- A project budget and appraisal (if available), including a clear representation of all sources and amounts of nonfederal match.

Respondents must submit one original (clearly marked as such) and five copies of their response. Each response must clearly identify the RFR number on the title page of the response and on the shipping container used to deliver the response. Responses must be submitted on or before 13 October 2006 at 12:30 PM. A postmark will not be accepted for verification of submission date, however, responses will be accepted prior to the submission date and time by regular mail or courier. Responses will not be accepted by fax machine or electronic mail. The application package should be mailed or hand-delivered to:

Attn. CELCP Application
Massachusetts Office of Coastal Zone Management
251 Causeway Street, Suite 800, Boston, MA 02114

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EVALUATION CRITERIA: Potential projects will be reviewed and ranked by CZM and the CELCP Selection Committee based upon the Eligibility Requirements discussed earlier in this RFR and the following Selection Criteria. CZM, with assistance from its CELCP Selection Committee, will review the applications for completeness and quality. Site visits and/or meetings with project proponents may occur for some or all of the projects, as necessary. The CELCP Selection Committee will make recommendations to the Secretary of EOEA. The Secretary of EOEA will make the final decision on what projects are nominated to NOAA as the State's Priority Projects. The Secretary may or may not give overriding preference to projects with special circumstances, such as projects that have previously received CELCP funds and are in need of additional CELCP funding to complete the project. Project applicants may be required to supply additional information, and will need to work with CZM to ensure all application packages selected for submittal to NOAA meet federal submittal standards and deadlines.

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Selection Criteria	Points awarded on a relative scale specific to the application pool³	Maximum Potential Score
Ecological Value	Endangered or threatened species, coastal species or habitats, BioCore, diversity, etc.	20
Historical Value		4
Aesthetic Value	Ability of public to appreciate it and its coastal theme.	4
Recreational Value	Beach use, hiking, biking, picnicking, birding, educational, etc.	10
Conservation Value	A conglomerate of all resource values ⁴	8
Present and Future Conversion Threats	Based on imminence of development ⁵	4
Proximity to coastline	Project includes shoreline, adjacent to shoreline, within 2,000-foot buffer, etc.	17
Project builds upon existing federal, state, or local conservation holding, or has the ability through the proposed or future acquisitions to become significant conservation holding		9
Project of a size to have significant regional profile or impact		9
Project within 1,000-foot tributary buffer	Degree to which protection is likely to positively impact water quality of the receiving coastal waters	3
Project is cooperative effort between two or more municipalities, state or federal agencies, non-profit organization	Cooperative defined as substantively contributing to application development or the provision of financial or management resources	1
Project match exceeds minimum non-federal match requirement	1 point awarded for each 0.15 above the 1:1 required match	2
Project included in local regional Open Space Plan		1
Project has potential to provide easy access to significant urban populations	Distance from urban populations, presence of public transportation, etc.	6
Project builds local and regional trail-ways connections		2
Total Points		100⁶

³ This is to make prioritization within a grant round easier, and also to ensure that the state's highest ranked projects have a corresponding high score. It will not however allow ranking or comparing proposals between grant rounds, only within that specific grant round.

⁴ The Advisory Group debated the intended meaning of conservation, and decided that this would represent all possible conservation values and would therefore reward projects that had a wider range of conservation values.

⁵ The Advisory Group debated the benefits and detriments of pursuing projects on the verge of development and whether or not those should be the highest priority. It was decided that all undeveloped lands within this CELC Plan area are threatened by development in the relatively near future, and that limited benefit should be given to those facing imminent threat.

⁶ Since many of the Selection Criteria are mutually exclusive, it is not possible for a project to receive a perfect score of 100.

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**REQUEST FOR RESPONSES (RFR)
EOEA SUPPLEMENTAL TERMS AND CONDITIONS**

1. For the purposes of these *Supplemental Terms and Conditions*, Department shall mean the Executive Office of Environmental Affairs (EOEA) and the office requesting Responses as identified within this RFR.
2. These *Supplemental Terms and Conditions* are incorporated by reference into this RFR. If any amendment, attachment [not including the Commonwealth's *Standard Terms and Conditions*, *Standard Form Contract*, or any other form jointly published by the Executive Office for Administration and Finance (EOAF), the Office of the Comptroller (CTR) and the Operational Services Division (OSD), or any provision or form required by State or Federal law] or other part of this RFR deletes, modifies, replaces or otherwise contains language that conflicts with these *Supplemental Terms and Conditions*, these *Supplemental Terms and Conditions* shall supersede and control to the extent necessary to accomplish these conditions. The remaining provisions of this RFR shall remain in effect and enforced to the fullest extent permitted.
3. The Commonwealth's *Standard Terms and Conditions* [as currently and jointly issued by EOAF, CTR, and OSD] are incorporated by reference into this RFR. To the extent that any amendment, attachment, condition or other part of this RFR deletes, modifies, replaces or otherwise contains language that conflicts with the Commonwealth's *Standard Terms and Conditions*, the official printed language of the Commonwealth's *Standard Terms and Conditions* shall supersede and control to the extent necessary to accomplish its conditions. The remaining provisions of this RFR shall remain in effect and enforced to the fullest extent permitted.
4. The terms of 801 CMR 21.00: Procurement of Commodities and Services (and 808 CMR 1.00: Compliance, Reporting and Auditing for Human and Social Services, if applicable) are incorporated by reference into this RFR. Words used in this RFR shall have the meanings defined in 801 CMR 21.00 (and 808 CMR 1.00, if applicable). Additional definitions may also be identified in this RFR. Unless otherwise specified in this RFR, all communications, Responses, and documentation must be in English, all measurements must be provided in feet, inches, and pounds and all cost proposals or figures in U.S. currency. All Responses must be submitted in accordance with the specific terms of this RFR. No electronic Responses may be submitted in Response to this RFR.
5. Bidder Communication. Bidders are prohibited from communicating directly with any employee of EOEA except as specified in this RFR, and no other individual Commonwealth employee or representative is authorized to provide any information or respond to any question or inquiry concerning this RFR. Bidders may contact the contact person for this RFR in the event this RFR is incomplete or the Bidder is having trouble obtaining any required attachments electronically through Comm-PASS.
6. Reasonable Accommodation. Bidders with disabilities or hardships that seek reasonable accommodation, which may include the receipt of this RFR information in an alternative format, must communicate such requests in writing to the contact person. Requests for accommodation will be addressed on a case-by-case basis. A Bidder requesting

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accommodation must submit a written statement, which describes the Bidder's disability and the requested accommodation to the contact person for the RFR. The Department reserves the right to reject unreasonable requests.

The Department may require the Contractor to provide all materials, software, maps, studies, reports, and other products or data in alternative formats upon request.

7. Public Records. All Responses and information submitted in response to this RFR are subject to the Massachusetts Public Records Law, M.G.L. Chapter 66, section 10 and Chapter 4, section 7(26). Any statements in submitted Responses that are inconsistent with the Public Records Law shall be void and disregarded.
8. All materials, software, maps, studies, reports, and other products or data, regardless of physical form or characteristics, produced in furtherance of the Contract and funded, in whole or in part, under the Contract shall be considered in the public domain and available to EOEA or its agencies at the reasonable cost of reproduction in any of the formats in which it is stored or maintained. The Contractor shall not obtain, attempt to obtain or file for a patent, copyright, trademark or any other interest in any such materials, software, maps, reports, and other products or data without the express, written consent of the Department and subject to any other approvals required by state or federal law.
9. Best Value Selection and Negotiation. The Department may select the Response(s), which demonstrates the best value overall, including proposed alternatives that will achieve the procurement goals of the Department. The Department and a Selected Bidder, or a Contractor, may negotiate a change in any element of contract performance or cost identified in the original RFR or the Selected Bidder's or Contractor's Response which results in lower costs or a more cost effective or better value than was presented in the Selected Bidder's or Contractor's original Response.
10. The Department reserves the right to fund a portion, change the scope, and/or delete tasks of any Response to more closely meet the purposes of the program or to obtain the best procurement value for the Department. Selected Bidders may decide not to enter into a contract if the revised scope does not meet its approval. The Department does not guarantee that any Contract will be awarded under the RFR. Any potential Contract with a Selected Bidder shall be subject to the appropriation and availability of funds.
11. Costs. Costs which are not specifically identified in the Bidder's Response, and accepted by a Department as part of a Contract, will not be compensated under any contract awarded pursuant to this RFR. The Commonwealth will not be responsible for any costs or expenses incurred by Bidders responding to this RFR.
12. Comm-PASS. This RFR has been distributed electronically using the Comm-PASS system, RFR attachments that are referenced will be found either as a separate .pdf file along with the RFR, or are found in the "Forms and Information" section at: (<http://www.comm-pass.com/comm-pass/forms.html>). Bidders are solely responsible for obtaining and completing required attachments that are identified in this RFR and for checking Comm-PASS for any addenda or modifications that are subsequently made to this RFR or attachments. The Commonwealth and its subdivisions accept no liability and will provide no accommodation to Bidders who fail to check for amended RFRs and submit inadequate or

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incorrect Responses. Bidders are advised to check the "last change" field on the summary page of RFRs for which they intend to submit a Response to ensure that they have the most recent RFR files. Bidders may not alter (manually or electronically) the RFR language or any RFR component files. **Modifications to the body of the RFR, specifications, terms and conditions are prohibited and may disqualify a Response.** Bidders having difficulty obtaining any required attachments electronically through Comm-PASS should seek assistance from the Comm-PASS "Help Desk" by calling 1-800-MA-STATE.

If the Department is also distributing this RFR directly to Bidders, those Bidders, that requested and received a copy of this RFR directly from the Department, will be sent a copy of any modifications or amendments to the RFR by the Department.

13. Northern Ireland Notice and Certification. All Bidders must complete the "Northern Ireland Notice and Certification" form to satisfy M.G.L. Chapter 7, section 22C.
14. Subcontracting. Prior written approval of the Department is required for any subcontracted service (which includes consultants) of the contract. Contractors are responsible for the performance and oversight of its subcontractors. Subcontractors are required to meet the same state and federal financial and program reporting requirements and are held to the same reimbursable cost standards as contractors.
15. Affirmative Market Program. Massachusetts Executive Order 390 established a policy to promote the award of state contracts in a manner that develops and strengthens Minority and Women Business Enterprises (M/WBEs). As a result, M/WBEs are strongly encouraged to submit Responses to this RFR, either as prime vendors, as joint venture partners, or as subcontractors.

Non-M/WBE Bidders are strongly encouraged to develop creative initiatives to help foster *new business relationships* with M/WBEs within the primary industries affected by this RFR. The highest number of points will be awarded for Responses that clearly illustrate how the proposed business relationship(s) will result in the development and growth of M/WBEs within these primary industries. A lesser number of points will be awarded for traditional subcontracting relationships. The least number of points will be awarded for ancillary uses of M/WBEs.

In order to satisfy this section, the Bidder must submit: the names, addresses, phone numbers and contact persons of each M/WBE firm; a description of each business relationship to be established; and the actual dollar amounts, or percentages, to be awarded to each M/WBE firm. MBE and WBE firms must submit a copy of their SOMWBA certification letter for the current period. A directory of SOMWBA certified firms is available via the internet at <http://www.magnet.state.ma.us/somwba>.

A Minority Business Enterprise (MBE) or a Woman Business Enterprises (WBE) is defined as a business that has been certified as such by the State Office of Minority and Women Business Assistance (SOMWBA). Minority and women-owned firms that are not currently SOMWBA-certified but would like to be considered as an M/WBE for this RFR should apply for certification. A fast track application is available, and will be considered for the purposes of this RFR. For further information on SOMWBA certification contact the State Office of Minority and Women Business Assistance at (617) 727-8692 or via the internet at <http://www.magnet.state.ma.us/somwba>.

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All Bidders must complete and sign the “Affirmative Action Plan Form” for any RFR from which a Contract may result that has a potential financial benefit of \$50,000 or more.

16. The Commonwealth makes no guarantee that any commodities or services will be purchased from any contract resulting from this RFR. Any estimates or past procurement volumes referenced in this RFR are included only for the convenience of Bidders, and are not to be relied upon as any indication of future purchase levels.
17. Unless otherwise specified in this RFR, any reference to a particular trademark, trade name, patent, design, type, specification, producer or supplier is not intended to restrict this RFR to any manufacturer or proprietor or to constitute an endorsement of any commodity or service, and the Department may consider clearly identified offers of substantially equivalent commodities and services submitted in response to such reference.
18. Alternatives. A Response which fails to meet any material term or condition of the RFR, including the submission of required attachments, may lose points or be deemed unresponsive and disqualified. Unless otherwise specified, Bidders may submit Responses proposing alternatives which provide equivalent, better or more cost effective performance than achievable under the stated RFR specifications. These alternatives may include related commodities or services that may be available to enhance performance during the period of the contract. The Response should describe how any alternative achieves substantially equivalent or better performance to that of the RFR specifications. The Department will determine if a proposed alternative method of performance achieves substantially equivalent or better performance. The goal of this RFR is to provide the best value of commodities and services to achieve the procurement goals of the Department. Bidders that propose discounts, uncharged commodities and services or other benefits in addition to the RFR specifications may receive a preference or additional points under this RFR as specified.
19. Contract Expansion. If additional funds become available during the contract duration period, the Department reserves the right to increase the maximum obligation to some or all contracts executed as a result of this RFR or to execute contracts with contractors not funded in the initial selection process, subject to available funding, satisfactory contract performance and service or commodity need.
20. Year 2000 Compliance. The contractor warrants that all systems, interfaces to such systems, or information technology produced in furtherance of this Contract and funded, in whole or in part, under this Contract must be year 2000 compliant. Year 2000 compliant means information technology that accurately processes date/time data (including but not limited to calculating, comparing and sequencing) from, to and between the twentieth and twenty-first centuries and the years 1999 and 2000 including leap year calculations. Furthermore, year 2000 compliant information technology, when used in combination with other information technology, shall accurately process date/time data if the other informational technology properly exchanges date/time data with it. This warranty shall survive the expiration or termination of this contract.
21. Environmentally Preferable Products and Services. At the Department’s sole discretion, the Department and contractor may negotiate during the contract term to permit the substitution or addition of Environmentally Preferable Products (EPPs) when such products

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become available at a competitive cost and satisfy the Department's performance needs. Unless otherwise specified in the RFR, during evaluation of Responses, an EPP may be considered best value even when the price is greater than (but does not exceed 10% in price) that of a non-EPP. Bidders are encouraged to submit appropriate information to identify important environmental attributes of items being procured, even when such attributes are not being required. Information or technical assistance regarding EPPs may be obtained from OSD at 617-727 7500 ext. 351 or via the internet at <http://www.magnet.state.ma.us/osd/enviro/enviro.htm>.

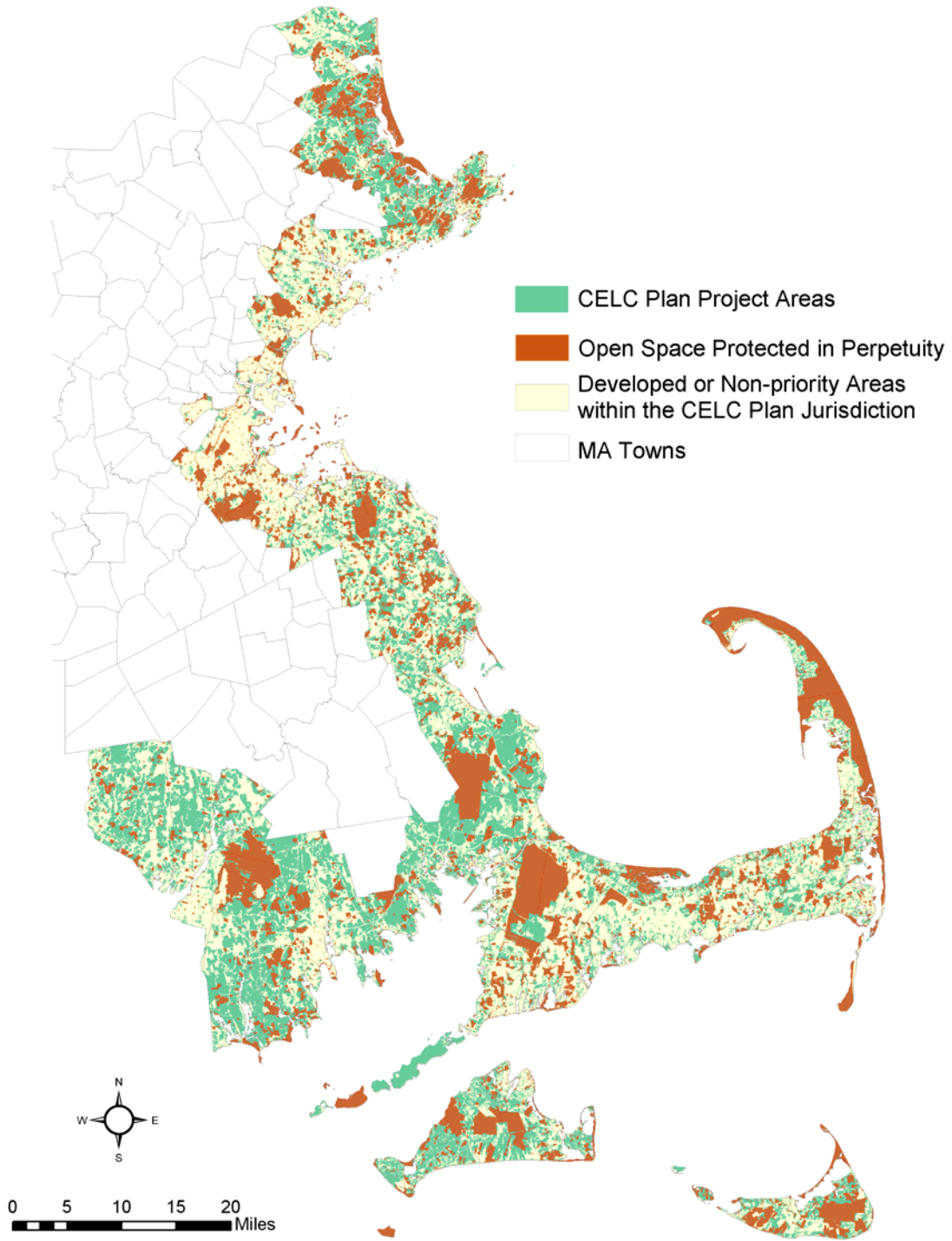
22. Selected respondents will be required to execute the Commonwealth's *Standard Terms and Conditions, Standard Contract*, W-9 form, Signature Verification, and any other forms specified in this RFR.
23. GIS Standards. All GIS (Geographic Information System) data collected, compiled or created under this RFR shall conform to standards developed or established by the Office of Geographic and Environmental Information (a/k/a MassGIS) within EOEA. Such GIS data shall be made available to MassGIS upon request and at the reasonable cost of reproduction (cost to copy and/or transmit the data to MassGIS).
24. Nothing in this RFR authorizes or purports to grant the right to any Bidder, governmental entity or other person to enter or remain on any public or private property. If access to any property is necessary in any way for any purpose, such as responding to this RFR (e.g. surveying), that Bidder, governmental entity or other person must obtain appropriate permission authorizing such access from the person or governmental agency that has lawful control of the property.
25. **Anti-Collusion.** In reviewing responses to the RFR and awarding a contract, the Department will strictly interpret all provisions of the RFR, response and contract and other state regulations to ensure that collusion or the appearance of collusion has not occurred at any stage of the contracting process. Any attempt to secure information about this procurement through procedures other than those outlined in this RFR will be considered in violation of this provision and will result in disqualification of the Bidder.

Bidders must provide a statement with their responses certifying that all parties to this response, including members of teaming arrangements agree that:

- A contract has not been solicited or secured, directly or indirectly, in a manner contrary to the laws of the Commonwealth of Massachusetts and that said laws have not been violated as they related to the procurement or the performance of the contract by any conduct, including the paying or giving of any fees, commission, compensation, gift, gratuity, or consideration of any kind, directly or indirectly, to any State employee, agent, officer or official; and
- Unless otherwise required by law, any information quoted in this response, including prices, has not knowingly been disclosed by the respondent directly or indirectly to any other respondent or to any competitor and will not knowingly be disclosed by the respondent prior to award of a contract. Respondents are further advised that the contractor, including any of its employees, agents or representatives, is prohibited from paying or giving any fee, commission, compensation, gift, gratuity or consideration of any kind or amount, directly or indirectly, to any person connected with this procurement.

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ATTACHMENT A-----MA CELC PLAN MAP



Source: MassGIS, CZM, MA Executive Office of Environmental Affairs

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ATTACHMENT B

Coastal Zone Management Program Policies

Effective Date: March 11, 1997

The CZM Program Plan establishes the following program policies which embody coastal policy for the Commonwealth of Massachusetts. Recognition of these statements as Massachusetts coastal policy is formalized in Memoranda of Understanding between CZM and state environmental agencies. Projects subject to federal consistency review must be consistent with CZM program policies. CZM enforces its program policies through existing Massachusetts statutes and their implementing regulations.

In addition, the federally-approved CZM Program Plan lists management principles. These policy statements are not currently enforceable through existing state statutes and regulations. They are published as guidance to proponents of activities in the Coastal Zone and represent the preferred policy direction of CZM. CZM reviews all projects, whether for federal consistency or MEPA review, for consistency with management principles and may recommend alternatives or changes to projects in order to achieve consistency with the management principles.

WATER QUALITY

- WATER QUALITY POLICY #1** - Ensure that point-source discharges in or affecting the coastal zone are consistent with federally approved state effluent limitations and water quality standards.

- WATER QUALITY POLICY #2** - Ensure that nonpoint pollution controls promote the attainment of state surface water quality standards in the coastal zone.

- WATER QUALITY POLICY #3** - Ensure that activities in or affecting the coastal zone conform to applicable state and federal requirements governing subsurface waste discharges.

HABITAT

- HABITAT POLICY #1** - Protect coastal resource areas including salt marshes, shellfish beds, dunes, beaches, barrier beaches, salt ponds, eelgrass beds, and fresh water wetlands for their important role as natural habitats.

- HABITAT POLICY #2** - Restore degraded or former wetland resources in coastal areas and ensure that activities in coastal areas do not further wetland degradation but instead take advantage of opportunities to engage in wetland restoration.

PROTECTED AREAS

- PROTECTED AREAS POLICY #1** - Preserve, restore, and enhance complexes of coastal resources of regional or statewide significance through the Areas of Critical Environmental Concern program.

- PROTECTED AREAS POLICY #2** - Protect state and locally designated scenic rivers and state classified scenic rivers in the coastal zone.

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•**PROTECTED AREAS POLICY #3** - Ensure that proposed developments in or near designated or registered historic districts or sites respect the preservation intent of the designation and that potential adverse effects are minimized.

COASTAL HAZARDS

•**COASTAL HAZARD POLICY #1** - Preserve, protect, restore, and enhance the beneficial functions of storm damage prevention and flood control provided by natural coastal landforms, such as dunes, beaches, barrier beaches, coastal banks, land subject to coastal storm flowage, salt marshes, and land under the ocean.

•**COASTAL HAZARD POLICY #2** - Ensure construction in water bodies and contiguous land areas will minimize interference with water circulation and sediment transport. Approve permits for flood or erosion control projects only when it has been determined that there will be no significant adverse effects on the project site or adjacent or downcoast areas.

•**COASTAL HAZARD POLICY #3** - Ensure that state and federally funded public works projects proposed for location within the coastal zone will:

- not exacerbate existing hazards or damage natural buffers or other natural resources,
- be reasonably safe from flood and erosion related damage, and
- not promote growth and development in hazard-prone or buffer areas, especially in Velocity zones and ACECs, and
- not be used on Coastal Barrier Resource Units for new or substantial reconstruction of structures in a manner inconsistent with the Coastal Barrier Resource/Improvement Acts.

•**COASTAL HAZARD POLICY #4** - Prioritize public funds for acquisition of hazardous coastal areas for conservation or recreation use, and relocation of structures out of coastal high hazard areas, giving due consideration to the effects of coastal hazards at the location to the use and manageability of the area.

PORT AND HARBOR INFRASTRUCTURE

•**PORTS POLICY #1** - Ensure that dredging and disposal of dredged material minimize adverse effects on water quality, physical processes, marine productivity and public health.

•**PORTS POLICY #2** - Obtain the widest possible public benefit from channel dredging, ensuring that designated ports and developed harbors are given highest priority in the allocation of federal and state dredging funds. Ensure that this dredging is consistent with marine environment policies.

•**PORTS POLICY #3** - Preserve and enhance the capacity of Designated Port Areas (DPAs) to accommodate water-dependent industrial uses, and prevent the exclusion of such uses from tidelands and any other DPA lands over which a state agency exerts control by virtue of ownership, regulatory authority, or other legal jurisdiction.

•**PORTS MANAGEMENT PRINCIPLE #1** - Encourage, through technical and financial assistance, expansion of water dependent uses in designated ports and

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developed harbors, re-development of urban waterfronts, and expansion of visual access.

PUBLIC ACCESS

•**PUBLIC ACCESS POLICY #1** - Ensure that developments proposed near existing public recreation sites minimize their adverse effects.

•**PUBLIC ACCESS MANAGEMENT PRINCIPLE #1** - Improve public access to coastal recreation facilities and alleviate auto traffic and parking problems through improvements in public transportation. Link existing coastal recreation sites to each other or to nearby coastal inland facilities via trails for bicyclists, hikers, and equestrians, and via rivers for boaters.

•**PUBLIC ACCESS MANAGEMENT PRINCIPLE #2** - Increase capacity of existing recreation areas by facilitating multiple use and by improving management, maintenance and public support facilities. Resolve conflicting uses whenever possible through improved management rather than through exclusion of uses.

•**PUBLIC ACCESS MANAGEMENT PRINCIPLE #3** - Provide technical assistance to developers of private recreational facilities and sites that increase public access to the shoreline.

•**PUBLIC ACCESS MANAGEMENT PRINCIPLE #4** - Expand existing recreation facilities and acquire and develop new public areas for coastal recreational activities. Give highest priority to expansions or new acquisitions in regions of high need or limited site availability. Assure that both transportation access and the recreational facilities are compatible with social and environmental characteristics of surrounding communities.

ENERGY

•**ENERGY POLICY #1** - For coastally dependent energy facilities, consider siting in alternative coastal locations. For non-coastally dependent energy facilities, consider siting in areas outside of the coastal zone. Weigh the environmental and safety impacts of locating proposed energy facilities at alternative sites.

•**ENERGY MANAGEMENT PRINCIPLE #1** - Encourage energy conservation and the use of alternative sources such as solar and wind power in order to assist in meeting the energy needs of the Commonwealth.

OCEAN RESOURCES

•**OCEAN RESOURCES POLICY #1** - Support the development of environmentally sustainable aquaculture, both for commercial and enhancement (public shellfish stocking) purposes. Ensure that the review process regulating aquaculture facility sites (and access routes to those areas) protects ecologically significant resources (salt marshes, dunes, beaches, barrier beaches, and salt ponds) and minimizes adverse impacts upon the coastal and marine environment.

•**OCEAN RESOURCES POLICY #2** - Extraction of marine minerals will be considered in areas of state jurisdiction, except where prohibited by the MA Ocean

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Sanctuaries Act, where and when the protection of fisheries, air and marine water quality, marine resources, navigation and recreation can be assured.

•**OCEAN RESOURCES POLICY #3** - Accommodate offshore sand and gravel mining needs in areas and in ways that will not adversely affect shorelines areas due to alteration of wave direction and dynamics, marine resources and navigation. Mining of sand and gravel, when and where permitted, will be primarily for the purpose of beach nourishment.

GROWTH MANAGEMENT

•**GROWTH MANAGEMENT PRINCIPLE #1** - Encourage, through technical assistance and review of publicly funded development, compatibility of proposed development with local community character and scenic resources.

•**GROWTH MANAGEMENT PRINCIPLE #2** - Ensure that state and federally funded transportation and wastewater projects primarily serve existing developed areas, assigning highest priority to projects that meet the needs of urban and community development centers.

•**GROWTH MANAGEMENT PRINCIPLE #3** - Encourage the revitalization and enhancement of existing development centers in the coastal zone through technical assistance and federal and state financial support for residential, commercial and industrial development.

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**ATTACHMENT C
PROJECT APPLICATION CHECKLIST**

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Project Application Checklist

(Note: This Project Application Checklist is modeled closely on the one NOAA has included in its Federal Funding Notice. If the project is selected as one of the Massachusetts Priority Projects, parts, or all, of this checklist may need to be resubmitted to the Massachusetts Office of Coastal Zone Management.)

Applicant and Project Information

1. State: Massachusetts **Award Number:** (leave blank) _____

2. Project Title:

3. Project Location (Approximate): (Municipality, Major Intersections, Congressional District)

4. Project Proponent/Applicant (Must be a public entity at the state or local level responsible for executing the project):

5. Total Cost: \$ _____ **CELCP Federal share (requested amt):** \$ _____
CELCP State/Local Match Contributions: \$ _____
Other Federal \$ _____
Other Non-Federal \$ _____

I ATTEST TO THE FOLLOWING: (1) THE STATEMENTS MADE AND OTHER INFORMATION PROVIDED IN THIS CHECKLIST ARE, TO THE BEST OF MY KNOWLEDGE, TRUE AND ACCURATE; (2) THE RECIPIENT HAS ON FILE THE DOCUMENTS IDENTIFIED IN THIS CHECKLIST; AND (3) I UNDERSTAND THE CONSEQUENCES OF NON-COMPLIANCE WITH THE SPECIAL AWARD CONDITIONS THAT WILL BE PLACED ON THIS GRANT.

Signature of Applicant

Date

Name of Signatory (please print or type): _____

Title:

Address:

Phone Number: _____ E-mail _____

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Eligibility of Project

6. Project Eligibility: (Check all that apply)

The proposed project:

- is located in a coastal or estuarine area (that has been designated as part of a state's approved coastal and estuarine land conservation (CELC) plan or within a state's coastal watershed boundary);
- matches federal funds with non-federal funds at a ratio of at least 1:1;
- will be held in public ownership and provide conservation in perpetuity;
- will provide for access to the general public, or other public benefit, as appropriate and consistent with resource protection.
- protects important coastal and estuarine areas that have significant conservation, ecological, historical, aesthetic, or recreation values, or that are threatened by conversion from their natural or recreational state to other uses;
- can be effectively managed and protected;
- directly advances the goals, objectives or implementation of state coastal management plan or program or NERR management plan approved under the Coastal Zone Management Act (CZMA), national objectives of the CZMA, or a local, regional or state watershed protection plan involving coastal states with approved coastal management programs
- is consistent with the state's approved coastal management program.

Land Acquisition:

- 7. Location and Site Maps:** Site location maps are attached. Yes No

The applicant should attach a map of the state or coastal county showing the general location of the project, and a map of the project site, which shows the location and extent of the proposed acquisition, as well as relationship to significant natural features (slope, wetlands, dunes, floodplains, access, etc.).

8. Title Opinion and Appraisal:

- a.** Documentation of the current owner's intent or willingness to sell at a mutually agreeable price is attached. (This documentation may be in the form of a letter of intent, option letter, contract, or similar form.) Yes No
- b.** The applicant has obtained and attached an independent appraisal performed by a state certified appraiser. Yes No
- c.** A title opinion or title insurance report is attached. Yes No

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9. Public Benefit:

a. The acquisition will be publicly held or under publicly-controlled easement and is for public benefit. The project does not improve private property for private or commercial gain.

Yes No

b. The property will be accessible to the general public. Yes No

c. If the answer to the question above (10.b) is No, check any of the following reasons that apply and explain why access to the property will be limited.

Public Safety Resource Protection Geographically Isolated/Inaccessible

School Outings Only Scientific Research Other (please explain): _____

d. The property will be leased or rented. Yes No If yes, please explain.

e. The public will be charged a user fee for access to or activities on the proposed property.

Yes No

If Yes, provide a description of the user fee which includes: how much, differential fees (if any), the need for the fees, and proposed use of the revenue.

Compliance with Other Federal Authorities

10. State Historic Preservation Officer's (SHPO's) Clearance and National Historic Preservation Act:

a. The project will affect properties listed on the National Register of Historic Places (www.cr.nps.gov/nr/), eligible to be listed, or otherwise protected by section 106 of the National Historic Preservation Act (www2.cr.nps.gov/laws/NHPA1966.htm) or a similar State Preservation Act. Yes No

b. The Recipient has on file the SHPO's clearance. Yes No (If No, the Recipient certifies, by signing this checklist, that the SHPO clearance is being sought and that work will not begin and land will not be purchased until SHPO clearance is received by the Recipient.)

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11. National Flood Insurance Program:

a. Is the project located in a designated special flood hazard area, floodway or "V" zone on a National Flood Insurance Program Floodway Map (www.fema.gov/maps)? Yes No
(If No, go to 11)

b. Is the community in which the project is located in special flood hazard areas shown on an FIA map is participating in the Flood Insurance Program (www.fema.gov/nfip). Yes No

12. Coastal Barriers Resource Act: The project is located on an undeveloped coastal barrier designated by the Coastal Barriers Resources Act (www.fws.gov/cep/cbrunits.html).
 Yes No

If the answer is Yes, provide a brief statement below or attach to this checklist a brief analysis as to how the proposed project is consistent with the three CBRA purposes: to minimize (1) the loss of human life, (2) wasteful federal expenditures, and (3) damage to fish, wildlife and other natural resources.

13. Endangered Species Act: May the proposed project adversely affect threatened or endangered species or critical habitat under the jurisdiction of the National Marine Fisheries Service (NMFS) or U.S. Fish and Wildlife Service (USFWS) as defined by the Endangered Species Act? (www.fws.gov/endangered) or (www.nmfs.noaa.gov/pr/species).
 Yes No

If the answer is No, provide a brief statement below explaining the basis for the conclusion. If the answer to 12 is Yes, provide a description of the adverse effects (minor and significant effects), the species or habitat affected, and any coordination between the state and the USFWS or NMFS. OCRM will not approve a project that USFWS or NMFS has determined will significantly adversely affect threatened or endangered species or critical habitat.

14. Magnuson-Stevens Fishery Conservation and Management Act.

Does the proposed project include essential fish habitat for federally managed fish?
 Yes No Not yet determined (please explain).

Could the proposed project have significant adverse impacts on essential fish habitat for federally managed fish? Yes No

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15. National Environmental Policy Act:

- a. The proposed project may significantly affect the human environment.
_____ Yes _____ No
- b. The proposed project involves unresolved conflicts concerning alternative uses of available resources.
_____ Yes _____ No
- c. This action would have significant adverse effects on public health and safety.
_____ Yes _____ No
- d. This action will have highly controversial environmental effects. _____ Yes _____ No
- e. This action will have highly uncertain environmental effects or involve unique or unknown environmental impacts. _____ Yes _____ No
- f. The project will have significant adverse impacts on other natural resources not covered elsewhere in this checklist, e.g., beaches and dunes, wetlands, estuarine areas, wildlife habitat, wild or scenic rivers, reefs, or other coastal resources. _____ Yes _____ No
- g. The project will have insignificant effects when performed separately, but will have significant cumulative effects. _____ Yes _____ No

If the answer to any one subpart of 13. is Yes, then an Environmental Assessment (EA) or Environmental Impact Statement (EIS) may be required. For items answered Yes, please attach a description of the resource(s) affected and the nature and scope of the effects.

16. Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970. If the proposed project involves the acquisition and/or modernization of real property, will the proposed project cause the displacement of:

- Persons, _____ Yes _____ No
- Businesses, or _____ Yes _____ No
- Farm Operations? _____ Yes _____ No

If yes to any of the above, please explain: the number of displaced persons, including businesses and farm operations; what fair and reasonable relocation payments and advisory services will be provided to any displaced persons; and what provisions will be made to ensure that safe, decent, and sanitary replacement dwellings will be available to such persons within a reasonable period of time prior to displacement.

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- 17. Handicapped accessibility:** Will the proposed project be handicapped accessible?
_____ Yes _____ No _____ N/A

If No or N/A, provide a brief explanation below (or attach separately) as to why the project does is not required to meet ADA handicapped accessibility requirements.

- 18. Environmental Justice.** Will the project have disproportionately high and adverse human health or environmental effects on minority or low-income populations? _____ Yes _____ No
- 19. State, Local and Tribal Laws.** The project is consistent with state, local and tribal laws to protect the environment. _____ Yes _____ No

20. Contamination/Environmental Hazards (CERCLA/RCRA)

- a.** Are there any known or suspected contaminants on the project site? _____ Yes _____ No

If yes, please discuss what type of contamination is on the site, or suspected to be on the site, and the status of clean-up activities.

- b.** Has the site been investigated, identified and/or designated as having hazardous waste contamination issues by a federal, state, or local agency (for example superfund site)?

If yes, please explain the basis for the designation, the status of clean-up activities, and whether there are any legal liens or judgments affecting the property.

21. Public Coordination

Has the project for which you propose to use CELCP funds been subject to public scrutiny and coordination through a public notice or other public review process? _____Yes _____No

If "yes", please describe the results of that process and note when the coordination occurred.

If "no", please explain.

NOAA is requesting this information in order to adequately assess the eligibility of proposed projects. Public reporting burden for this collection of information is estimated to average 10 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Elaine Vaudreuil, OCRM, 1305 East-West Hwy (N/ORM7), Silver Spring, Maryland 20910. This reporting is authorized under P.L. 107-77 and has been approved under OMB #0000-0000. Information submitted will be treated as public record. Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection displays a currently valid OMB Control Number.

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APPENDIX B

Eligibility Requirements

In order for a proposed project to be evaluated by the state for ranking and possible submittal to NOAA for consideration for CELCP funding, all of the following eligibility requirements must be successfully met.

- Project application package is complete.
- Project application was received by CZM prior to the submittal deadline.
- Proposed project is located within the potential “project areas” identified in the Massachusetts CELC Plan, or the proposed project has demonstrated to the satisfaction of CZM that it should be defined as a potential “priority area”.
- Proposed project meets the minimum 1:1 match requirement between federal and non-federal resources.
- Proposed project is to be held in public ownership or control for conservation purposes in perpetuity.
- Proposed project will allow general public access appropriate to resource limitations.
- Proposed project is important to one or more of the following values: conservation, recreational, ecological, historical, aesthetic, or the proposed project area is threatened by conversion from its natural or recreational state to other uses.
- Project application demonstrates a strategy for and ability to develop a full and effective Management Plan for the proposed land conservation project.
- Proposed project advances the goals or objectives of the MA Coastal Zone Management Program, Waquoit Bay National Estuarine Research Reserve Program, Buzzards Bay National Estuary Program, or Massachusetts Bay National Estuary Program.
- Proposed project is consistent with the Massachusetts approved coastal management program.

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APPENDIX C

Selection Criteria

The Selection Criteria were developed by the CELC Plan Advisory Group over the course of several meetings. The criteria reflect many of the values identified in the CELCP and NOAAs guidelines for the program. They also reflect those factors that were of most importance to one or more members of the Advisory Group. Through the development of the Selection Criteria thought was given to how the criteria chosen by Massachusetts would impact the competitiveness of projects nominated from the state to a nationally competitive process.

In order to most effectively determine the relative weight of each selection criterion, the CELC Plan Advisory Group used the Analytic Hierarchy Process (AHP) (Saaty 1990). AHP is superior to simple voting/ranking systems as it breaks the decision into a series of “pairwise” comparisons where each criterion is compared to every other criterion. A consistent numerical scale is used for each decision. Each decision is made relative to the goals of the CELC Plan and Program. Once the numerical preference of one criterion over another is made, AHP utilizes complex matrix algebra to weight each criterion. AHP also includes a “consistency” rating that tracks the relative consistency of each “pairwise” decision. AHP is an excellent weighting tool to use with groups because it breaks down large decisions into separate elements in which choices are more tangible and disagreements easier to resolve. The final weight for each of the selection criteria resulted from the “pairwise” comparisons derived using the Expert Choice software package, which is a commercial adaptation of AHP. These weights were the basis for the actual number of points that can be awarded within each selection criteria.

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APPENDIX C

Selection Criteria (continued)

Selection Criteria	Points awarded on a relative scale specific to the application pool⁷	Maximum Potential Score
Ecological Value	Endangered or threatened species, coastal species or habitats, BioCore, others	20
Historical Value		4
Aesthetic Value	Ability of the public to appreciate it and the nature of its coastal theme	4
Recreational Value	Beach use, hiking, biking, picnicking, birding, educational, etc.	10
Conservation Value	A conglomerate of all resource values ⁸	8
Present and Future Conversion Threats	Based on imminence of development ⁹	4
Proximity to coastline	Project includes shoreline, adjacent to shoreline, within 2,000-foot buffer, etc.	17
Project builds upon existing federal, state, or local conservation holding, or has the ability through the proposed or future acquisitions to become significant conservation holding		9
Project of a size to have significant regional profile or impact		9
Project within 1,000-foot tributary buffer	Degree to which protection is likely to positively impact water quality of the receiving coastal waters	3
Project is cooperative effort between two or more municipalities, state or federal agencies, non-profit organization	Cooperative defined as substantively contributing to application development or the provision of financial or management resources	1
Project match exceeds minimum non-federal match requirement	1 point awarded for each 0.15 above the 1:1 required match	2
Project included in local regional Open Space Plan		1
Project has potential to provide easy access to significant urban populations	Distance from urban populations, presence of public transportation, etc.	6
Project builds local and regional trail-ways connections		2
Total Points		100¹⁰

⁷ This is to make prioritization within a grant round easier, and also to ensure that the state's highest ranked projects have a corresponding high score. It will not however allow ranking or comparing proposals between grant rounds, only within that specific grant round.

⁸ The Advisory Group debated the intended meaning of conservation, and decided that this would represent all possible conservation values and would therefore reward projects that had a wider range of conservation values.

⁹ The Advisory Group debated the benefits and detriments of pursuing projects on the verge of development and whether or not those should be the highest priority. It was decided that all undeveloped lands within this CELC Plan area are threatened by development in the relatively near future, and that only minimal benefit should be given to those facing imminent threat.

¹⁰ Since many of the Selection Criteria are mutually exclusive, it is not possible for a project to receive a perfect score of 100.

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APPENDIX D

**CELC Plan Public Meeting Attendees
June 9, 2005 Boston, CZM Conf. Room**

Peg Wheeler
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Bob O'Connor
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June 13, 2005 Plymouth, Public Library

Michael Lach
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Brian Harrington
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Eve Endicott
The Trustees of Reservations
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Paul Cavanagh
Manomet Center for Conservation Sciences
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Written comments also received from:
Paul Cavanagh, Manomet Center for Conservation Sciences
Christine Gault, Waquoit Bay National Estuarine Research Reserve

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ATTACHMENT 1

BIOMAP REPORT

To view the Biomap Report click the following link.

<http://www.mass.gov/dfwele/dfw/nhesp/nhbiomap.htm>

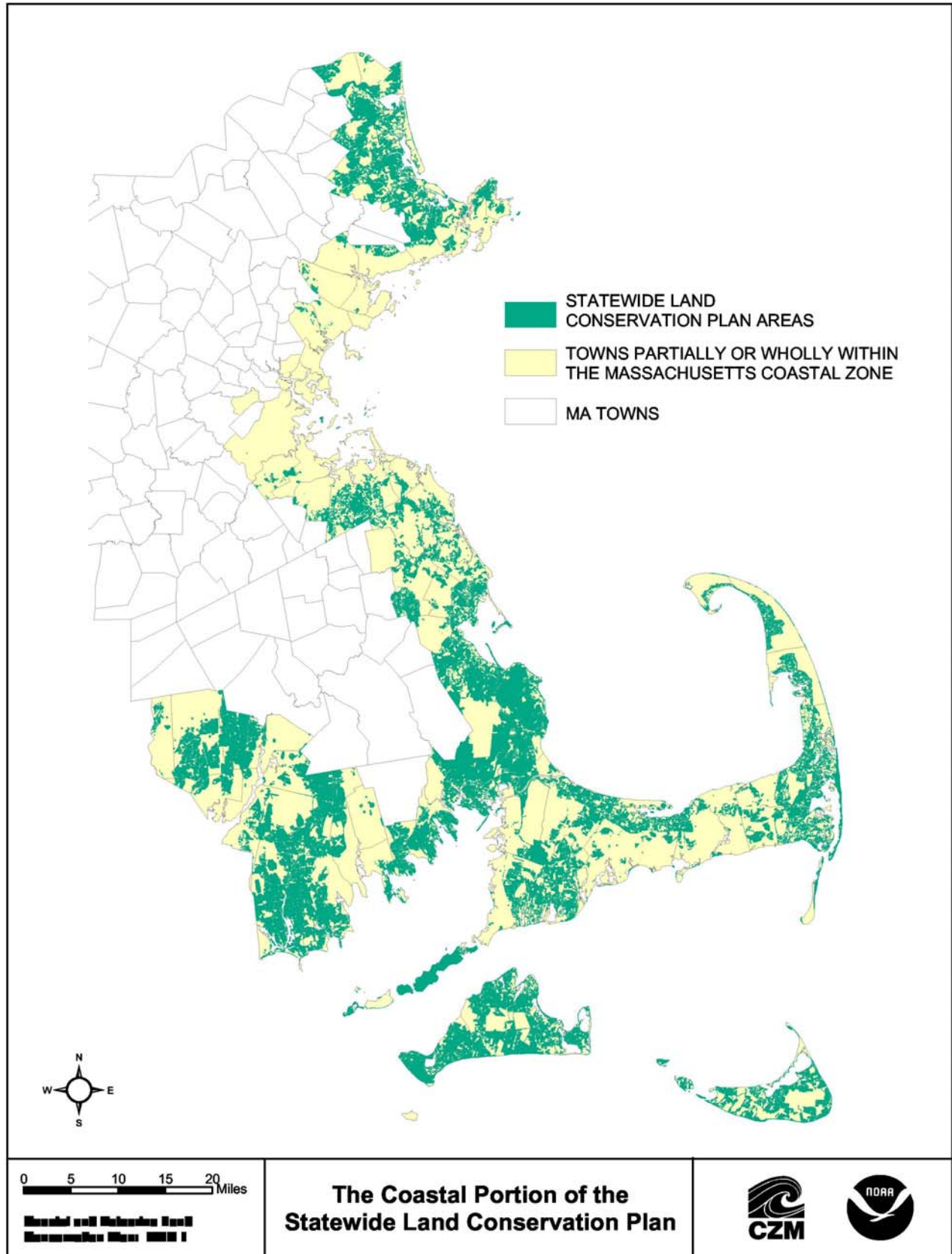
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ATTACHMENT 2

MASSACHUSETTS STATEWIDE LAND CONSERVATION PLAN MAP

Note: A final written report was never published for this planning exercise and therefore can not be included in this attachment.

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ATTACHMENT 3

LIVING WATERS REPORT

To view the Living Waters Report click the following link.

http://www.mass.gov/dfwele/dfw/nhosp/land_protection/living_waters/living_waters_home.htm