



*Commonwealth of Massachusetts*  
**EXECUTIVE OFFICE OF HOUSING & ECONOMIC DEVELOPMENT**  
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Boston, MA 02108

Charles D. Baker, Governor | Karyn E. Polito, Lt. Governor | Mike Kennealy, Secretary

**Massachusetts Dredging Program**  
2022 Grant Round  
Request for Proposals (RFP)

**RFP Announced:** February 22, 2022

**Deadline for RFP Questions:** March 11, 2022, 11:59 PM

**Deadline for Applications:** April 15, 2022, 11:59 PM

**Information Session(s):**

See Part III.F of this RFP for complete information.

RSVP at [ehedgrants@mass.gov](mailto:ehedgrants@mass.gov) with subject line: *Dredging Info Session*

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## I. Introduction

The Executive Office of Housing and Economic Development (“EOHED”) is pleased to announce the availability of funding through the FY23 Grant Round of the Massachusetts Dredging Program.

The Massachusetts Dredging Program is the Commonwealth’s first standalone grant program with dedicated funding to support saltwater dredging. One-year construction grants are competitively awarded with a focus on shovel-ready projects that contribute to the economic vitality, recreational value, public safety, and/or environmental resilience of Massachusetts’s coastal harbors. This program is authorized by Section 2A of Chapter 228 of the Acts of 2018 and is administered by EOHED. Applications for funding are reviewed and evaluated by EOHED in consultation with the Massachusetts Office of Coastal Zone Management (“CZM”) and the Executive Office of Administration and Finance (“A&F”).

**The Massachusetts Dredging Program is currently accepting applications for fiscal year 2023 projects (July 1, 2022 – June 30, 2023). Applications will be accepted from any of the Commonwealth’s [78 coastal municipalities located within the Massachusetts coastal zone](#). Applications must be received via electronic submission no later than the date and time specified on this RFP’s cover sheet. See Part III.D below for submission instructions. Interested applicants are advised to carefully review all of information in this RFP prior to preparing an application.**

## II. General Requirements

### A. Eligible Applicants

The Massachusetts Dredging Program is open to the Commonwealth’s [78 municipalities located within the Massachusetts coastal zone](#). Any such municipality acting by and through its municipal officers or by and through a public agency designated by such officers is eligible to apply. **Eligible municipalities are limited to one application per annual grant round.** See Part II.D below for information on joint applications.

### B. Eligible Projects

Funding through the Massachusetts Dredging Program is competitively available for the dredging of public tidelands and associated dredged material disposal. Please note that dredging of tidelands held by a private entity or person, whether by grant, license, or lease agreement, are not eligible for funding.

#### B(1). Section 204 Projects for Beneficial Use of Dredged Material in a Federal Dredging Project

Section 204 of the U.S. Water Resources Development Act of 1992 authorizes beneficial use of dredged material as part of a federal project by the U.S. Army Corps of Engineers (USACE)

(“Section 204 Projects”). Section 204 Projects are assessed by USACE and must be economically justified by damages prevented or by ecosystem benefits realized. If federally approved, a Section 204 Project typically requires a 35% cost share to be paid by the Non-Federal Sponsor of the federal dredging project.

Funding requests to support a Section 204 Project may be submitted to the Massachusetts Dredging Program. Section 204 Projects will be competitively assessed using the evaluation criteria described in Part IV.B below. **Additionally, Section 204 Projects must meet the following criteria to be considered for funding:**

- All dredging and beneficial use of dredged material must occur within the jurisdictional boundaries of the applicant municipality.
- Applicants must provide a USACE feasibility report or federal interest determination report that recommends implementation of the Section 204 Project based on a benefit-cost assessment.
- Federal dollars spent on a Section 204 Project, or its associated dredging, are not eligible for use as the required non-state match for a Massachusetts Dredging Program grant request. **Applicants may request no more than fifty percent (50%) of the non-federal cost share obligation of the Section 204 Project.** See Part II.F below for acceptable match sources and documentation.

In addition to the deliverables described in Part II.J below, grantees of a Section 204 Project will be required to submit a copy of the associated Project Partnership Agreement made by and between USACE and the Non-Federal Sponsor.

### C. Eligible Costs

The Massachusetts Dredging Program is a capital grant program. Eligible costs include direct expenses for the bidding and construction of a saltwater dredging project, including, but not necessarily limited to, bid administration, contracting, mobilization, dredging, dredged material disposal, demobilization, construction administration, and post-dredge surveys. **Grant funds are disbursed on a cost-reimbursement basis.**

“Pre-construction costs,” or costs associated with the study, design, engineering, permitting, and/or real property transactions of an eligible project, are not eligible for reimbursement. For assistance with pre-construction costs, coastal communities are encouraged to consult the [Seaport Economic Council Grant Program](#) for potential funding opportunities.

### D. Joint Applications

“Joint applications,” or applications submitted by and on behalf of two or more coastal municipalities collaborating on an eligible project, will be accepted. A statement of collaboration is required from each coastal municipality participating in a joint application. **However, no municipality may sign or**

**submit more than one application in the same grant round, regardless of whether it is a single or joint application.**

E. Maximum Award Amount

Total funding available through the current grant round is subject to appropriation. The maximum amount that may be requested is \$2.5 million per municipality. "Partial awards," or awards made for less than an application's requested amount, may be considered.

F. Match Requirement

Awards through the Massachusetts Dredging Program require a non-state match equal to at least fifty percent (50%) of total eligible costs. Multiple non-state funding sources may be used to satisfy this requirement. Acceptable funding sources will include, but may not be limited to, the following:

- Municipal funds.
- Federal grants.
- Funds directly distributed to the municipality through the America Rescue Plan Act (ARPA).
- Private contributions.

**Pre-construction expenses and in-kind contributions are not eligible for use as matching funds.**

However, pre-construction expenses incurred in the last three fiscal years, including the current fiscal year, may be taken into consideration during the assessment of applications.

"Match documentation," or evidence that an applicant's non-state match is secure, will be required for the execution of a grant contract. All documentation is subject to EOHEd approval prior to acceptance. Acceptable match documentation will include, but may not be limited to, the following:

- A municipal vote.
- A fully executed federal grant contract or agreement.
- A written verification of funds, signed by the grantee's Chief Financial Officer or equivalent.

G. Pre-Contract Requirements

All grantees are required to submit the following items to EOHEd for the execution of a grant contract:

- a) Match documentation (see Part II.F above for acceptable match documentation).
- b) Copies of all legally required local, state, and federal permits and permit modifications for the proposed project, including all associated plans and/or drawings.

Additionally, grantees may be required to provide a legal opinion verifying that all required permits have been obtained and/or that the municipality has authority to perform the proposed scope of work under said permits.

All items are subject to EOHEd approval prior to acceptance.

## H. Contract Requirements

All grantees are required to execute a contract with EOHEd for the receipt and management of their award. Contracts will include the following forms and attachments:

- Commonwealth Standard Contract Form.
- Contractor Authorized Signatory Listing Form.
- Additional Terms and Conditions (“Project Agreement”) to be prepared by EOHEd.
- A copy of the grantee’s RFP Response.

In cases of joint applications, a single (lead) municipality will be required to execute the grant contract and serve as fiscal agent of the joint award. Inter-municipal agreements related to the management of such an award are the sole responsibility of the applicants.

All grantees will be required to enroll in EFT payments through the Commonwealth. EOHEd will inform grantees whether their enrollment is outstanding following the announcement of their award. If outstanding, grantees will be instructed to submit a signed Commonwealth EFT Sign-Up Form as a condition of contracting.

## I. Performance Period

**The anticipated start date for contracts awarded in the current grant round is July 1.** Actual start dates may be later based on the submission and acceptance of the required pre-contract items described in Part II.G above.

**All contracts will end June 30, 2023. All grant funds must be expended by this date.**

## J. Reporting and Other Performance Requirements

Contracts through the Massachusetts Dredging Program, once executed, will require grantees to submit the following deliverables to EOHEd as performance requirements:

- Quarterly performance reports.
- Copies of all bid canvases or tabulations and associated bid plans, as applicable.
- Copies of all construction contracts.
- Copies of all construction change orders, as applicable.
- A post-dredge survey.
- A certification of project completion.

All deliverables are subject to EOHEd approval prior to acceptance.

## K. Payment Requirements

EOHEd will provide a form for all grantees to submit payment requests for the drawdown of awarded funds.

Grant payments will be processed for actual work completed, as evidenced by invoices of eligible costs. Copies of invoices will be required to validate all costs at the time of payment.

All payment requests and invoices are subject to EOHED approval prior to acceptance and processing. Grantees may be required to provide documentation of paid invoices within 60 days of receiving grant funds.

Five percent (5%) of each grant award will be set aside as retainage, pending the closeout of the grant contract.

#### L. Procurement Requirements

All grantees must comply with the Commonwealth's requirements for public purchasing found in Section 39M of Chapter 30 and Chapters 30B, 149, and 7 of the Massachusetts General Laws, to the extent applicable.

#### M. Public Records Requirements

All applications and information received in response to this RFP will be retained as public record, and as such, will be subject to the provisions of Chapter 66 and Section 7, Clause 26 of Chapter 4 of the Massachusetts General Laws, to the extent applicable.

### III. Submitting an Application

#### A. Application Components

The application form for the Massachusetts Dredging Program is organized into seven sections. These sections are outlined below:

1. *Project Summary*: Questions in this section relate to the applicant's identity, project cost, funding amount requested, and project goals. The purpose of this section is to provide a summary of the funding application.
2. *Harbor Profile*: Questions in this section relate to the infrastructure, users, jobs, land uses, and abutting populations of the project harbor. The purpose of this section is to evaluate the level of development and benefits that the harbor provides for users, the public at-large, and [Environmental Justice populations](#). **Completing this section may require consultation with appropriate municipal staff (planners, harbor masters, etc.) and/or communication with local businesses.**
3. *Project Description*: Questions in this section relate to the project site, existing conditions, scope of work, site history, time-of-year restrictions, status of permits, and construction

schedule. The purpose of this section is to evaluate the scope, need, shovel readiness, and feasibility of the proposed project.

4. *Budget and Funding Sources*: A budget table is provided in this section to breakdown the total cost and funding sources for the proposed project. The purpose of this section is to evaluate the project cost, funding sources, status of matching funds, and recent pre-construction expenses. Please note that EOHED may request a letter of commitment or other documentary evidence to establish that an applicant has or will secure the required non-state match.
5. *Supporting the Blue Economy*: Questions in this section relate to existing conditions in the harbor and the anticipated benefits of the project for commercial and recreational uses, public safety, and environmental resilience. The purpose of this section is to evaluate how the proposed project will support the long-term strength and sustainability of the Commonwealth's coastal harbors and blue economy. **Completing this section may require consultation with appropriate municipal staff (planners, harbor masters, etc.) and/or communication with local businesses, community organizations, and/or other project stakeholders.**

For general information on Massachusetts's coastal harbors and blue economy, the following reports are publicly available on Mass.gov:

- [Port by Port: Profiles and Analysis of the Massachusetts Commercial Fishery](#) report (2021), a collaborative project between the Massachusetts Division of Marine Fisheries, the University of Massachusetts Boston's (UMass Boston) Urban Harbors Institute, and the Cape Cod Commercial Fishermen's Alliance.
- [Navigating the Global Economy: A Comprehensive Analysis of the Massachusetts Maritime Economy](#) (2017), a collaborative project between of University of Massachusetts Dartmouth's (UMass Dartmouth) Public Policy Center and the Commonwealth of Massachusetts Seaport Economic Council.
- [Building the Massachusetts Seafood System](#) report (2017), a collaborative project between UMass Boston's Urban Harbors Institute and the Commonwealth of Massachusetts Seaport Economic Council.

References to these reports are provided for informational purposes only. They do not represent the entirety of reports or research on the Commonwealth's coastal harbors or blue economy, nor is consultation of these reports a requirement or evaluation criterion of the Massachusetts Dredging Program.

6. *Preparing for Success*: Questions in this section relate to planning documents, public-private partnerships, revenue sources, and maintenance or improvement plans of the applicant municipality. The purpose of this section is to evaluate the capacity, partnerships, and planning of the applicant to maximize and sustain the benefits of the proposed project. **Completing this section may require consultation with appropriate municipal staff (accountants, planners, etc.) and/or communication with local businesses.**
7. *Certification of Authorization*: This section requires the preparer of the application to certify that the information provided therein is true and accurate to the best of his/her knowledge and



that he/she is authorized to submit the application on behalf of the named applicant(s). **No signature is required.**

#### B. Required Attachments

Applicants must submit the following attachments with their application for funding. See Part III.D below for attachment submission instructions.

1. A site plan of the proposed project site (**required for all applications**). At minimum, this plan should consist of a satellite image or [Nautical Chart](#) with the Project Site clearly identified on the chart or image. For examples of dredging site plans, applicants are encouraged to review [Appendix A of the 2015 State of Our Harbors Report](#), prepared by the University of Massachusetts at Boston' Urban Harbors Institute.
2. Copies of all permits and permit modifications approved to date for the proposed project, including all associated plans and/or drawings (**required for all applications**).
  - **For Section 204 Projects**, applicants must also submit a copy of the project's associated USACE feasibility report or federal interest determination report. See Part II.B(1) above for further information on Section 204 Projects.
3. Statements of collaboration from joint applicants, **required only if** the application is joint.
4. Letters of commitment from private partners, **required only if** the proposed project will generate private investment in additional dredging projects, commercial vessels, and/or harbor-dependent jobs.

#### C. Optional Attachments

Graphic documents such as additional maps, figures, and photographs will be accepted as optional attachments but should be reasonable in number. These attachments will be reviewed but not formally evaluated or scored as part of the application.

**No additional attachments should be submitted unless otherwise requested in the application.**

#### D. Submission Instructions

Applications and attachments must be received via electronic submission no later than the date and time specified on this RFP's cover sheet. **No paper submissions will be accepted.** See Part III.B-C above for information on required and optional attachments.

**Applications and attachments must be submitted via a new online grant management platform. A link to this platform will become available on the following webpage no later than April 4, 2022, or 10 business days prior to the deadline for applications: <https://www.mass.gov/how-to/apply-for-a->**

[massachusetts-dredging-grant](https://www.mass.gov/how-to/apply-for-a-massachusetts-dredging-grant). Applicants should follow the on-screen instructions to register a user account, complete the application, and upload attachments.

**Prior to accessing the online platform, applicants wishing to preview the full application and/or prepare responses to any or all questions may use the MS Word version of the application available on the following webpage: <https://www.mass.gov/how-to/apply-for-a-massachusetts-dredging-grant>. This application copy is provided as a reference and preparation resource only. No submission of this application copy will be accepted as a formal application to the Massachusetts Dredging Program.**

Prior to uploading an application and associated attachments via the online platform, applicants are encouraged to save any and all attachments in a common folder on their computer. **File should be named using the following File Naming System. Please do not include “City of” or “Town of” in your file names.**

- > Anytown Site Plan.pdf
- > Anytown BUAR Review.pdf
- > Anytown CZM Federal Consistency.pdf
- > Anytown DEP 401.pdf
- > Anytown DEP 91.pdf
- > Anytown DEP Combined 91 and 401.pdf
- > Anytown DEP Superseding Order.pdf
- > Anytown DEP Water Management Act.pdf
- > Anytown Local Order of Conditions.pdf
- > Anytown MEPA Certificate.pdf
- > Anytown USACE Permit.pdf
- > Anytown USACE Modification.pdf
- > Anytown Joint Applicant Letter.pdf
- > Anytown Private Partner Letter.pdf
- > Anytown Section 204 Project Feasibility Report.pdf

**Please follow as best as possible the above formatting for any other attachment types not listed.**

Applicants are responsible for ensuring that their application and required attachments are received on time by EOHEd. All applications will be logged with the date and time of their receipt. **Late submissions will not be accepted.**

#### E. Questions and Contact Information

**Questions regarding this RFP must be received in writing via electronic mail at [eohegrants@mass.gov](mailto:eohegrants@mass.gov) by the date and time specified on this RFP’s cover sheet. Please use the subject line “Dredging RFP” in all communications.** Responses to questions and/or clarifications or corrections to this RFP will be posted on the following webpage: <https://www.mass.gov/how-to/apply-for-a-massachusetts-dredging-grant>.

Please note that during the application period, EOHEd is unable to respond to individual questions that are specific to the details of a proposed project. EOHEd will respond only to general questions received in conformance with this RFP. Similar questions may be aggregated and answered in a single response. EOHEd reserves the right not to respond to any or all questions.

#### F. Information Sessions

EOHEd will host the following information session(s) for interested applicants:

- March 8, 2022, 10:00 AM

**Information sessions will be conducted via online meeting and/or conference call.** Instructions for participating will be available on the following webpage no later than two (2) business days prior to each original session date: <https://www.mass.gov/how-to/apply-for-a-massachusetts-dredging-grant>. If necessary, any changes to the date and/or time of an information session will be published on this webpage no later than two (2) business days prior to the session. It is the responsibility of all interested attendees to verify final dates and times on this webpage prior to expected participation in any information session.

To assist with attendance tracking, please RSVP via electronic mail at [eoheedgrants@mass.gov](mailto:eoheedgrants@mass.gov) with the subject line "Dredging Info Session."

All presentation materials and any answers given in response to questions at any information session will be made available on the following webpage: <https://www.mass.gov/how-to/apply-for-a-massachusetts-dredging-grant>.

#### G. Shovel Readiness

**Given the competitive nature of the Massachusetts Dredging Program, applicants are asked to consider applying only for projects that are shovel ready or will be shovel ready by July 1st.** In measuring shovel readiness, EOHEd will consider whether the following conditions exist:

- The project design is fully funded.
- All rights of ownership and/or easements are secured or will be secured prior to construction.
- The applicant's required non-state match is secured or will be secured prior to construction.
- All legally required permits and permit modifications are secured or will be secured prior to the upcoming construction season.
- The schedule for bidding is realistic and will enable work to commence in the upcoming construction season.

See Part IV.B below for further evaluation criteria to be used in the assessment of applications.

## IV. Award and Evaluation Information

### A. Award Decisions

All eligible applications, received by the submission deadline, and in conformance with this RFP, will be assessed by an Evaluation Committee at EOHEd. Members of the Evaluation Committee reserve the right to request additional information from any applicant or any external source that they deem necessary to assess an application.

The Evaluation Committee will prepare a list of recommended awards based on the evaluation criteria described below, the total amount of funding available, and the urgency of a proposed project. Additionally, the Evaluation Committee may consider the broad and equitable distribution of limited funding among the Commonwealth's 78 coastal municipalities.

All award recommendations are subject to approval of the Secretary, and thereafter to ratification by the Governor and Lieutenant Governor, prior to being finalized.

Successful applicants will receive a letter of commitment from EOHEd identifying the amount of their award and any conditions thereof. Applicants who are not selected for funding will also be notified in writing.

Occasionally, there may be applications that do not receive funding but are highly competitive in their alignment with the goals of the Massachusetts Dredging Program. At the discretion of the Secretary, EOHEd may inform these applicants that should additional funding become available, they may be considered for an "out of round" award in advance of the next RFP.

All awards are contingent on the execution of a grant contract, as described in Part II.H above.

Please note that any application that fails to conform to this RFP may be deemed unresponsive and disqualified.

EOHEd reserves the right to reject any or all applications received in response to this RFP. In addition, EOHEd makes no guarantee that any award or contract will result from this RFP.

### B. Evaluation Criteria

In assessing applications and preparing a list of recommended awards, the Evaluation Committee will consider and weigh the following:

- **Harbor Profile**
  - Characteristics consistent with a developed harbor (berths, boat ramps, piers, harbor-dependent businesses, etc.).
  - Characteristics consistent with a destination waterfront (public spaces, restaurants, retail, commercial or mixed-use zoning, etc.).
  - Proximity to and benefits associated with the harbor for one or more [Environmental Justice populations](#).

- **Project Description**
  - Strength of the project need based on the extent of shoaling and users impacted.
  - Feasibility of the project scope of work.
  - Evidence of shovel readiness. (See Part III.G above for further information about shovel readiness.)
  
- **Budget and Funding Sources**
  - Extent to which all pre-construction costs have been funded.
  - Demonstration of a 50% or greater non-state funding match.
  - Evidence that all match funds have or will be secured.
  
- **Supporting the Blue Economy** – The Evaluation Committee will consider and weigh support for the blue economy using the following four categories and associated criteria. While projects that are strong in multiple categories will generally be more competitive, projects are not required to excel in all, or any set number of categories, to be considered.

*Commercial Fishing and Boating*

- Presence of commercial fishing, aquaculture/shellfishing, and/or commercial boating.
- Strength of the project’s support for the above commercial activities.

*Recreation and Waterfront Destinations*

- Presence of a region-wide boating public, as evidenced by boat ramps, public parking, and/or transient boating accommodations.
- Strength of the project’s support for a destination waterfront based on the presence of recreational boating facilities, waterfront public spaces, and/or a downtown, commercial, or mixed-use waterfront.

*Public Safety*

- Demonstration of an actual or imminent risk to public safety due to shoaling.
- Strength of the project’s support for public safety based on mitigation or prevention of boating incidents and/or increased emergency responsiveness.

*Environmental Resilience*

- Strength of the project’s support for preserving, protecting, restoring, and/or reinforcing coastal resources (public beaches, wetland resources, nesting habitats, water quality, etc.).
- Demonstration of how dredged material will be beneficially reused, if applicable.
- Demonstration of how the project aligns with a city or town’s [Municipal Vulnerability Preparedness \(MVP\) Planning Report](#), if applicable.

- **Preparing for Success**

- Demonstration of how the municipality will sustain the benefits of the project, as evidenced by a dredging maintenance plan, local planning documents, and/or revenues from fees.

- Demonstration that the project will activate or enable implementation of public improvements to harbor facilities or infrastructure (e.g., expansion or replacement of public pier or dockage system).
- Demonstration that the project will generate private investment in successive dredging projects (e.g., piggyback dredging), commercial vessels, and/or harbor-dependent jobs, as evidenced by letters of commitment, if applicable.

## Appendix A: Applicability of MEPA Regulations

This guidance is intended to ensure that the Executive Office of Housing and Economic Development (“EOHED”) administers the Massachusetts Dredging Program in compliance with the Massachusetts Environmental Policy Act, M.G.L. c. 30, §§ 61 through 62I (“MEPA”), and its implementing regulations at 301 CMR 11.00 (“MEPA regulations”).

### Overview of Agency Obligations under MEPA

The purpose of MEPA is to provide for review of the potential environmental impacts of projects for which state agency action is required. MEPA review is potentially required for any project directly undertaken by a state agency; those aspects of a project within the subject matter of any required state permit; a project involving financial assistance; and those aspects of a project within the area of any land transferred by a state agency. For purposes of MEPA, financial assistance means “[a]ny direct or indirect financial aid to any person provided by any agency including, but not limited to, mortgage assistance, special taxing arrangements, grants, issuance of bonds, loans, loan guarantees, debt or equity assistance, and the allocation of Commonwealth or federal funds” (301 CMR 11.02). Funding awarded through the Massachusetts Dredging Program is financial assistance that confers MEPA jurisdiction over the funded projects.

The MEPA regulations set out review thresholds intended to identify categories of projects that are likely to cause damage to the environment. MEPA review is required when one or more review thresholds are met or exceeded and the subject matter of at least one review threshold is within MEPA jurisdiction. The provision of financial assistance confers full scope jurisdiction such that MEPA review is required if any threshold is met or exceeded.<sup>1</sup> The MEPA regulations state that “[i]n determining whether a project is subject to MEPA jurisdiction or meets or exceeds any review thresholds... the proponent, any participating agency, and the secretary shall consider the entirety of the project, including any likely future expansion, and not separate phases or segments thereof. The proponent may not phase or segment a project to evade, defer or curtail MEPA review” (301 CMR 11.01(2)(c)).

State agencies, including EOHED, are required to periodically review and evaluate its own programs, regulations, and policies and determine the potential environmental impacts of implementation of its programs, regulations, and policies, and ensure that it and each applicant for a permit, financial assistance, or a land transfer complies with MEPA.

### MEPA Compliance in the Massachusetts Dredging Program

The typical dredging grant is from EOHED to a municipality or other public entity for the dredging of public tidelands and the associated disposal of dredged material. To comply with MEPA, EOHED may require the project proponent to demonstrate that a project does not meet or exceed any review thresholds or that there has been due compliance with MEPA prior to awarding a Dredging grant. Accordingly, EOHED will require every applicant of the Massachusetts Dredging Program to represent whether the dredging project meets or exceeds any review threshold set forth at 301 CMR 11.03. Where a review threshold is exceeded, the grant recipient will be required to demonstrate that MEPA review has been completed prior to the disbursement of grant funds. Such a condition may be stated

in a grant award letter and shall be a material term of the grant agreement between EOHEd and the grant recipient.

In some cases, the public infrastructure or improvement may benefit or be located in close proximity to a private development proposed by a separate, private entity. In these cases, EOHEd is required to consider whether the public infrastructure and the private development should be reviewed as a single “project” consistent with the segmentation provisions set forth at 301 CMR 11.01(2)(c). In making this determination, the MEPA regulations require EOHEd to “consider all circumstances as to whether various work or activities constitute one Project.” According to the MEPA regulations, relevant factors include:

- Whether the work or activities, taken together, comprise a common plan or independent undertakings, regardless of whether there is more than one proponent;
- Any time interval between the work or activities; and
- Whether the environmental impacts caused by the work or activities are separable or cumulative.

If EOHEd determines, based on these factors, that a dredging project and private development are separate projects, EOHEd will require MEPA compliance for the dredging project that is receiving financial assistance, if applicable.

However, if EOHEd determines that a dredging project is so integral to a private project such that the two projects must be considered a “common plan or undertaking” under 301 CMR 11.01(2)(c), then EOHEd will require compliance with MEPA for the public infrastructure and private project. Such a requirement may be stated in a grant award letter and shall be a material term of the grant agreement between EOHEd and the grant recipient. If applicable, the contract awarding the Dredging grant will also incorporate the required §61 findings under 301 CMR 11.12(5).

In any case where EOHEd is uncertain of its MEPA obligations, it may consult with the MEPA Office and/or may recommend that the project proponent seek a formal Advisory Opinion under 301 CMR 11.01(6). The MEPA Office is available to offer assistance regarding the applicability of MEPA review and questions about the content, form and/or timing of MEPA review documents.

Applicants of the Massachusetts Dredging Program may consult with the MEPA Office early in the process to ensure any filing requirements and associated timing are understood. In some cases, timing of MEPA review may be an important consideration in whether a project is shovel ready. MEPA staff are available to address questions and provide information over the phone, via email, and through pre-filing meetings.

Basic questions regarding jurisdiction and whether a project would exceed an environmental review threshold are typically addressed through email or phone calls. Discussions regarding the substance and timing of MEPA review or specific and unique aspects of a project may be more effectively addressed through pre-filing meetings with the Director or Assistant Director.

The MEPA Office encourages applicants to participate in pre-filing meetings and schedules these meetings regularly. Additional information regarding MEPA review is provided on the MEPA website.



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<sup>1</sup> Full scope jurisdiction extends MEPA review to all aspects of a project that are likely to cause damage to the environment. In contrast, “limited” or “subject matter” MEPA jurisdiction means that review is limited to those aspects of the project within the subject matter of a required permit or within the area of a land transfer.