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EXPLANATION OF MAPS DEPICTING AREAS SUBJECT TO QUALIFYING HOUSING CRITERIA IN 301 CMR 11.01(2)(c)1.c.

This document describes how proponents may identify the areas referenced in 301 CMR 11.02(2)(c)1.c. for the purpose of determining eligibility for 301 CMR 11.02(2)(c)1. or 2.

301 CMR 11.01(2)(c)1.c. provides that a project site cannot include any land that: (i) is in the top quintile of projected total ecosystem carbon stocks statewide as defined by the Massachusetts Forest Carbon Top Quintile data layer issued by EEA; (ii) is Priority Habitat for rare and endangered species, as defined in 321 CMR 10.02; or (iii) has soils classified by the United States Department of Agriculture as Prime Farmland and is currently in agricultural use or in active agricultural use in the five years preceding the date of project filing.

EEA has provided a GIS-based tool to assist proponents in identifying areas referenced in 301 CMR 11.01(2)(c)1.c. The MEPA Office will accept the output from this GIS-based tool, the [MEPA Qualifying Housing Map Viewer](#), as shown at the time of ENF filing, as a definitive representation of the areas referenced in 301 CMR 11.02(2)(c)1.c. for purposes of determining the location of the project site in relation to those areas.

The [MEPA Qualifying Housing Map Viewer](#) delineates areas referenced in 301 CMR 11.02(2)(c)1.c. with the following three data layers:

- The Massachusetts Forest Carbon Top Quintile Data Layer, which depicts areas that contain the highest (top 20%) carbon stocks statewide and, therefore, are considered the very best places for carbon sequestration and storage. The data source and methodology underlying this data layer are available in the details link from the “Layers” menu accessed via the [MEPA Qualifying Housing Map Viewer](#).
- The Priority Habitat data layer, which depicts areas delineated as Priority Habitat by the Natural Heritage and Endangered Species Program pursuant to 321 CMR 10.12 based on the known geographical extent of habitat for all state-listed species, including both plants and animals. The Viewer uses the same Priority Habitat layer that is otherwise available through [MassMapper](#).

- The Prime Farmland Soils data layer, which depicts areas with soils classified by the U.S. Dept. of Agriculture, Natural Resource Conservation Service as Prime Farmland as defined in 7 C.F.R. 657.5. Lands with soils so classified represent the best locations for farming in the Commonwealth. The Viewer uses the same Prime Farmland Soils layer that is otherwise available through [MassMapper](#).

Note: If a project site contains areas depicted as having Prime Farmland Soils, a Proponent seeking to qualify under 301 CMR 11.01(2)(c)1. or, where relevant under 301 CMR 11.01(2)(c)2., will be required to self-certify (in the ENF form) that the land is not currently and has not been in active agricultural use in the five years preceding the date of application. This certification will be subject to review by staff of the Massachusetts Department of Agriculture (MDAR) during review of the ENF.

Note that all areas may be available for housing and other land uses regardless of their depiction on the [MEPA Qualifying Housing Map Viewer](#). However, proponents proposing projects in areas depicted on the viewer may not have the benefit of 301 CMR 11.01(2)(c)1. & 2. and will continue to be evaluated under other MEPA rules and regulations.

The MEPA qualifying housing criteria at 301 CMR 11.01(2)(c), including the criteria at 301 CMR 11.01(2)(c)1.c., are independent of and do not change what can be built on a parcel under local zoning or any state or local environmental or public health standards. In other words, if a permit or other authorization is required for a project under the Wetlands Protection Act, Massachusetts Endangered Species Act, or any other state or local law, regulation, or bylaw, that permit or authorization or must still be obtained whether or not the project satisfies the criteria at 301 CMR 11.01(2)(c)1.c.

Finally, as to the [MEPA Qualifying Housing Map Viewer](#), a search function enables a project proponent to determine whether any parcel of land under consideration would be eligible for qualifying housing. Other geographic information on wetlands, protected open space, parcel boundaries, land ownership, and more provides necessary context to examine locations where housing could be advanced and to assess any associated impacts of the project.¹

¹ For this reason, the MEPA Qualifying Housing Map Viewer includes certain other layers (turned 'on' as default), including protected open space, wetlands, and open water, as a resource for proponents seeking to assess viability of sites for housing development. Refer to the technical documentation in the Viewer for more information.