

Explanation of Maps Depicting Areas Subject to Criteria in 301 CMR 11.01(2)(c)1.c.

To be eligible for the qualifying housing criteria in 301 CMR 11.01(2)(c)1.c., a project site cannot include any land that is Priority Habitat for rare and endangered species, that is Prime Farmland soil that is or has been actively farmed in the five years preceding the date of project filing, or that is projected to store large quantities of carbon in 2070.

Accompanying the draft regulations is a series of maps illustrating how the soils, habitat, and carbon provisions allow for projects to take advantage of the qualifying housing approach under MEPA while avoiding land that is of the highest natural resource value. In each instance permanently protected lands have been removed from the mapping. None of these provisions apply to more than 8% of the land area of the Commonwealth. Note that lands not mapped as eligible for qualifying housing remain available for housing and other land uses, but projects proposing housing in these areas that are subject to MEPA will require review under existing thresholds due to the potentially significant environmental and climate consequence of development in these places.

- The carbon data depicted on the provided maps is the top quintile for projected total ecosystem carbon stocks in 2070 as defined by the [U.S. Forest Service's National Forest Carbon Monitoring System](#). This provision avoids encouraging housing in the very best places for carbon sequestration and storage.
- Priority Habitat, provided by the Natural Heritage and Endangered Species Program via the Natural Heritage Atlas, is based on the known geographical extent of habitat for all state-listed rare species, both plants and animals, and is codified under the Massachusetts Endangered Species Act regulations. Excluding these regulated habitat locations avoids the encouragement of housing projects in locations with rare species.
- Prime Farmland Soils are from the Soil Survey Geographic data produced by the U.S. Dept. of Agriculture, Natural Resource Conservation Service. These are the best locations for farming in the Commonwealth, and excluding them when they are or recently were in agricultural use avoids easing the review under MEPA of housing development in places most important to the agricultural sector.
 - If Prime Farmland soils are mapped for a proposed site, to maintain qualifying housing eligibility a project proponent will be required to self-certify that the land has not been farmed in the five years preceding the date of application, which is subject to review by staff of the Dept. of Agriculture.

These maps are intended to facilitate consideration of the proposed regulatory provisions; as such they show the geographic extent of the land that would be eligible based on the Priority Habitat or Carbon provisions, or ineligible due to potential risk or importance to agriculture. The Commonwealth is proposing to delineate only those areas of highest importance, such that expedited MEPA review can occur elsewhere assuming the project sufficiently avoids and minimizes environmental impacts by meeting the other criteria. Projects that would occur in these

sensitive locations are not precluded by the provisions; they simply need to undergo normal MEPA review procedures, and projects not currently subject to MEPA will not be affected.

It is important to understand that the proposed qualifying housing criteria, including the natural resource provisions, 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 is needed under the wetlands protection act or because the project would impact Priority Habitat, that permit must still be obtained.

Finally, EEA will be providing a GIS tool depicting each of these provisions in detail to accompany the issuance of the final regulations. A search function will enable a landowner or prospective housing developer to determine whether any parcel of land under consideration would be eligible for qualifying housing, assuming the other qualifying housing criteria are met. After accounting for any modifications to the draft approach that respond to public comment, the tool that will be available will include a data layer for each of the areas that must be avoided, along with other important information available through the Commonwealth's MassMapper tool. Accumulated and enhanced by MassGIS and others over decades, geographic information on wetlands, protected open space, parcel boundaries, land ownership, and much more will provide necessary context to examine locations where qualifying housing could be advanced.