

Ocean Resources and Waterways Trust Implementation Guidelines

The [Oceans Act of 2008](#) created a new Ocean Resources and Waterways Trust Fund in [Section 35HH of MGL Chapter 10](#). The trust receives payments associated with projects subject to the [Massachusetts Ocean Management Plan](#) via an ocean development mitigation fee, as well as other appropriations, grants, or investment income. The Oceans Act identifies the Secretary of the Executive Office of Energy and Environmental Affairs (EEA) as trustee and contains provisions pertaining to expenditures from the trust. The ocean plan provides additional guidance on trust management. Based on the statutory requirements and ocean plan guidelines, these Ocean Resources and Waterways Trust Implementation Guidelines have been developed to direct the administration and management of the trust.

I. Purpose

The Ocean Resources and Waterways Trust was established by law to accept funds from projects subject to an ocean development mitigation fee, as well as other appropriations, royalties, and grants to be used by the Commonwealth for managing, protecting, restoring, and/or enhancing marine habitat, resources, and specified uses in state waters or adjacent ocean areas.

II. Trustee

The EEA Secretary serves as Trustee and may delegate certain trustee duties to assist with trust administration and management. Such duties include, but are not limited to: project identification, planning, and implementation; recommendations for and approval of expenditures consistent with these guidelines; fiscal management and auditing; and reporting on the progress of projects supported by the trust.

III. Massachusetts Ocean Management Plan

In addition to the designation as trustee, the Oceans Act conferred the EEA Secretary with the authority for oversight, coordination, and planning of the Commonwealth's ocean waters, resources, and development and required the development of an integrated ocean management plan for the Commonwealth. Working with the [Ocean Advisory Commission](#) and the [Ocean Science Advisory Council](#), advisory bodies established in the Oceans Act to provide policy guidance, EEA developed specific strategies and targeted outcomes for the ocean plan, based on the goals of the Ocean Act. Along with integrated management and stewardship of marine ecosystems, a key principle for the ocean plan is to ensure that it can

adapt to evolving knowledge and understanding of the ocean environment and its future uses. The ocean plan also contains Science Priorities that were developed in consultation with the Ocean Advisory Commission and the Ocean Science Advisory Council, as well as public and stakeholder input, and identifies both long-term goals and objectives as well as priority actions.

An interagency ocean management team was identified in the ocean plan to provide the EEA Secretary with input and advice on ocean planning and management—including policy development, technical and scientific information and research, and regulatory decision-making. The interagency ocean management team is chaired by EEA’s Office of Coastal Zone Management (CZM) and is comprised of personnel from CZM and the Department of Environmental Protection, Department of Fish and Game, and Massachusetts Environmental Policy Act Office. The interagency ocean management team reviews and approves projects that are consistent with the trust expenditure criteria, described in more detail below.

IV. Trust Account

Pursuant to the Oceans Act, the trust was established as account #2000-0115 in the Massachusetts Management Accounting and Reporting System (MMARS). The effective date of the trust is May 28, 2008, the enabling date of the Oceans Act.

V. Deposits/Credits

The trust is eligible to receive revenue from appropriations or other funds authorized by or specifically designated to be credited to the fund by the Legislature; other appropriations or grants that are explicitly directed to the fund; income derived from the investment of amounts credited to the fund; and payments resulting from any ocean development mitigation fee established pursuant to MGL c. 132A, section 18, or similar compensation/mitigation payments.

Checks for deposits/credits should be made out to *Commonwealth of Massachusetts - Ocean Resources and Waterways Trust Fund*.

VI. Trust Expenditure Criteria

The use of trust funds for proposed projects is subject to the following qualifications:

- Trust funds are to be used for the restoration, enhancement, or management of marine habitat and resources impacted by the project. Within this framework, the following provisions apply:

- Funds derived from impacts to public navigation by an ocean development project should be targeted to navigational improvements.
- Funds derived from impacts to fisheries resources should be targeted to fisheries restoration and management programs.
- Other funds credited to the trust are to be used only for the purposes of environmental enhancement, restoration, and management of ocean resources and uses generally consistent with the Oceans Act and the ocean plan.
- All approved expenditures from the trust shall follow all applicable Commonwealth procurement and finance laws, regulations, and guidelines. This would include direct procurement by EEA as well as fund transfers from EEA to another state agency via an Interagency Service Agreement.

VII. Trust Project Identification, Approval, and Implementation

As designated by EEA, CZM will lead the interagency ocean management group tasked with the review and approval of projects that are consistent with the expenditure criteria and will: (1) advance the Commonwealth's identified ocean planning and management science, research, and geospatial information needs, such as those contained in the Science Priorities of the ocean plan, and/or (2) restore, enhance, or manage the habitat and resources impacted by specific projects. In determining whether projects proposed for trust support are consistent with these implementation guidelines, CZM will seek input on proposed projects from the interagency ocean management group. Such review will include an assessment of the following:

- Purpose - The proposed project's purpose must conform to the expenditure criteria above and must further an identified science, research, or informational need and/or must restore, enhance, or manage habitats and resources impacted by specific projects.
- Objectives - The project objectives, including its scope, methodology, tasks, and technology, must advance the stated goals of the ocean plan. Project objectives must exhibit technical and scientific merit.
- Deliverables - The products/outcomes/deliverables of the proposed project must demonstrate quantifiable benefits to improve the public use and protection of the Commonwealth's marine habitats and resources.
- Budget - The project must be cost-effective and represent a good value for the Commonwealth. Projects should seek to leverage financial resources from other sources or associations with sponsoring partners.

Based on the review of the proposed project, CZM will make a recommendation to the EEA Secretary as to trust support for the proposed project. If the EEA Secretary (or designee) approves the use of trust funds, the proposed project will move to final scoping,

procurement of necessary services (if applicable), and implementation. A member of the interagency ocean management group will be designated as project manager and will be responsible for approving the final scope of work and outcomes/deliverables, overseeing the project through its completion, and reporting on progress and final results.

VIII. Tracking and Reporting

On behalf of the EEA Secretary and in close coordination with EEA fiscal personnel, CZM will assume duties for monitoring trust deposits/credits and expenditures, as well as maintaining procurement/audit files.

CZM will maintain a registry of projects supported by the trust, with details on the budget, project purposes, primary tasks, and deliverables. This information will be shared with the Ocean Advisory Commission and the Ocean Science Advisory Council and made publicly available upon request. Additionally, since the trust projects are designed to advance ocean planning and management issues, CZM will include project summaries and updates in their regular communications (such as the CZ-Mail electronic newsletter), as well as incorporating related content on relevant web pages.