

Appendix O

Description of the ACEC Program

CEC Program

of Critical Environmental Concern

The designation of an ACEC directs state agencies under the Executive Office of Environmental Affairs to preserve, restore, and enhance the resources within the ACEC. Designation requires greater environmental review of certain kinds of proposed projects under state jurisdiction within the ACEC boundaries. The ACEC Program is also intended to encourage better environmental planning and cooperation on the local and regional levels.

What is an ACEC?

An "Area of Critical Environmental Concern" is a formal designation made by the Secretary of Environmental Affairs to protect and preserve critical areas of environmental significance.

What is the purpose of an ACEC designation?

An ACEC designation recognizes the critical environmental importance of areas with significant natural resource systems. The designation notifies regulatory agencies and the public that most development activities under state jurisdiction within ACECs must meet high environmental quality standards. The designation process is intended to foster greater public awareness and appreciation of the unique values of the ACEC. Citizens, communities, and agencies are encouraged to work together to ensure the long-term preservation of these resources. Municipal boards and commissions are also encouraged to implement local regulations and actions to protect and sustain these critical resources.

The Areas of Critical Environmental Concern (ACEC) Program is a statewide program administered by the Department of Environmental Management (DEM) on behalf of the Secretary of Environmental Affairs. DEM works with private citizens, communities, environmental organizations, and other state agencies to protect ACECs throughout the Commonwealth. The Massachusetts Coastal Zone Management (MCZM) Office, which managed the original coastal ACEC Program from 1978 to 1993, continues to play a key role in monitoring the ACECs within the coastal zone and in consulting with DEM concerning ACEC issues.

How is an area designated as an ACEC?

Several steps are involved. A potential area must meet certain eligibility requirements, be nominated by an appropriate party, be discussed and reviewed at a series of public meetings and a public hearing, and be formally designated by the Secretary of Environmental Affairs according to established criteria (described below).

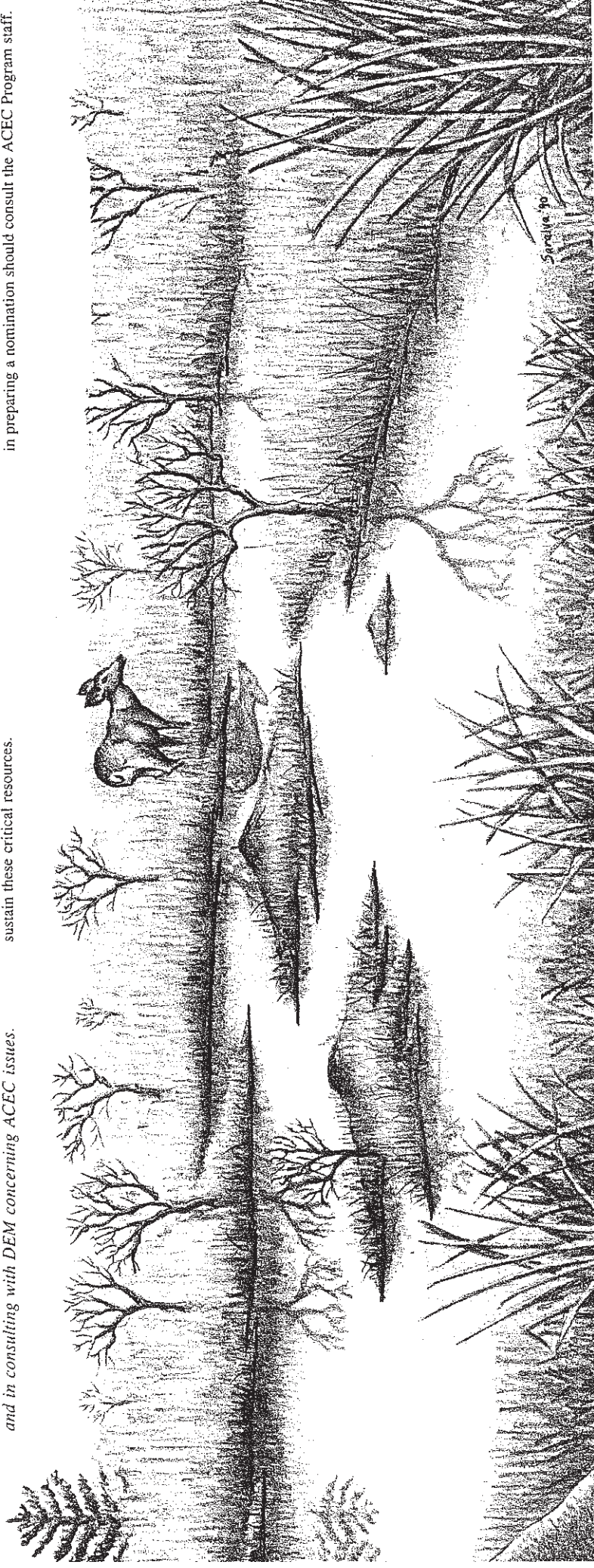
Nomination and Eligibility

How is an area nominated for an ACEC designation?

Any 10 citizens of the Commonwealth, board of selectmen, city council, mayor, planning board, conservation commission, state agency, regional planning agency, the Governor or any member of the legislature may make a nomination by submitting a letter to the Secretary of Environmental Affairs containing:

- detailed information describing the area's resources, ecological relationships, and their significance;
- a suggested boundary that clearly delineates an area adequate to protect and preserve the resources described;
- a general description of the benefits of such a designation.

In addition, information describing public education and outreach regarding the nomination, and proposals for local and regional actions to protect and preserve the area should be included. People interested in preparing a nomination should consult the ACEC Program staff.



What features must an area contain to be eligible for an ACEC nomination?

An ACEC must contain a resource complex of regional or statewide significance with at least four of the following features:

Fishery Habitat: anadromous/catadromous fish run, fish spawning area, fish nursery area, or shellfish bed

Coastal Features: barrier beach system, beach, rocky intertidal shore, or dune

Estuarine Wetlands: embayment, estuary, salt pond, salt marsh, or beach

Inland Wetlands: freshwater wetland, marsh, flat, wet meadow, or swamp

Inland Surface Waters: lake, pond, river, stream, creek, or ox bow

Water Supply Areas: surface water reservoir, reservoir watershed, groundwater aquifer, or aquifer recharge area

Natural Hazard Areas: floodplain, erosion area, or unstable geologic area

Agricultural Area: land of agricultural productivity, forestry land, or aquaculture site

Historical/Archaeological Resources: buildings, site, or district of historical, archaeological, or paleontological significance

Habitat Resources: habitat for threatened or endangered plant or animal species, habitat for species of special concern, or other significant wildlife habitat

Special Use Areas: undeveloped or natural area, public recreational area, or significant scenic site

What general guidelines should be used in suggesting a boundary for a nominated area?

The general rule is that the minimum area necessary to protect and preserve the critical resources should be included within the suggested

For more information, write or call:

ACEC Program
Massachusetts Department of Environmental Management
Division of Resource Conservation
100 Cambridge Street
Boston, MA 02202
(617) 727-3160

Commonwealth of Massachusetts
Executive Office of Environmental Affairs
Department of Environmental Management
William F. Weld, Governor
A. Paul Cellucci, Lt. Governor
Trudy Cox, Secretary
Peter C. Webber, Commissioner

boundary. For example, if a wetland is part of the critical resource area, then adjacent uplands necessary to preserve the wetland must be included in the nominated area. The boundaries should be readily recognizable so the general public and local and state regulatory agencies can work with them. Roads or other rights-of-way, for instance, are easily understood and identifiable potential boundaries.

Review Process

What steps are involved in reviewing an ACEC nomination?

- 1) DEM conducts an initial review of the nomination. As part of this review, the Department may request additional information. The Secretary will then either reject the nomination or accept it for full public review.
- 2) Upon acceptance, DEM proceeds with a full review of the nomination. This process includes holding public information meetings, gathering environmental information, and receiving public comment, culminating in a public hearing.
- 3) The Secretary's decision whether to designate the nominated area is made within 60 days of the public hearing. The decision is published in the *EOEA Environmental Monitor*, and is further explained and discussed at a public meeting.

What criteria does the Secretary use in deciding whether or not to make a designation?

A nomination is reviewed according to the following criteria: threat to the public health posed by inappropriate use; quality of the area's natural characteristics; biological productivity; uniqueness of the area; irreversibility and magnitude of impact resulting from alterations; imminence of threat to the resources; economic benefits; and other supporting factors.

Can the boundary of the nominated area be changed by the Secretary during the review of the nomination?

Yes. The nominated boundary represents only a suggested delineation of the proposed ACEC and can be altered by the Secretary if a different

boundary configuration would provide more effective protection for the unique resources of the area.

Effects of Designation

What is the effect of an ACEC designation?

In general, the ACEC regulations require state environmental agencies to take actions, administer programs, and revise regulations to preserve, restore or enhance the resources of the ACEC. Certain kinds of state projects and private development proposals that require state permits or state funding are reviewed more carefully and with more public input to ensure that adverse impacts to the resources of the ACEC are avoided or minimized. More detailed information is contained in the ACEC regulations (301 CMR 12.00), the Massachusetts Environmental Policy Act (MEPA) regulations (301 CMR 11.00), the Department of Environmental Protection (DEP) regulations, and the ACEC Program Guide (which describes specific regulation references).

Is development prohibited within an ACEC?

No. Most projects under state jurisdiction and within an ACEC must meet standards that effectively protect the resources of the ACEC.

Does an ACEC designation affect property ownership or zoning?

Land ownership is not changed by an ACEC designation. Public access does not change and existing development or use is not affected. Designation as an ACEC does not change any local bylaws, regulations, zoning or subdivision procedures. ACEC designation is intended to complement local controls and regulations.

Once an area becomes an ACEC can the designation be modified or repealed?

Yes. After the designation has been in place for one year, any individual or group eligible to make a nomination may make a request for modification. The same administrative and public comment procedures necessary for an ACEC nomination are required.

