

Chapter 9

Implementing the CCMP

The Players and Their Roles

Buzzards Bay is an estuary in transition. Increased development along its shores, coupled with decades of dumping industrial and municipal wastes into its waters, has placed the Bay in jeopardy. Fortunately, it is not too late to reverse the current trend of declining water quality.

The action plans presented in Chapter 5 include a number of stated commitments and other recommended steps that must be taken now and in the future to preserve and protect Buzzards Bay. The action plans also identify the organizations that are responsible for taking those steps. These organizations include regulatory and planning agencies at the federal, state, regional, and local level, legislative bodies, and citizens groups. Table 9.1 shows which organization is primarily responsible for each of the recommendations in the action plans. This chapter describes the role of each of organization involved in implementing these recommendations and future work that is needed to ensure that complete implementation occurs within a reasonable time.

For many of the recommendations, these organizations share overlapping responsibilities, and close coordination is required to ensure that the proper actions are taken. For other recommendations, a single organization can achieve the desired result. For still others, the implementing responsibility may belong to one organization, but another may be able to provide technical or financial assistance.

Federal and state regulatory agencies such as U.S. Environmental Protection Agency (EPA) and Massachusetts Department of Environmental Protection (DEP) have authorities that will be used to address many of the recommendations contained in the action plans. However, the major focus of this CCMP and the Buzzards Bay Project as a whole has been on compelling local authorities to take action to preserve the Bay and its resources because, in the New England tradition of home rule, such management decisions belong to the community and its inhabitants. At the same time, the CCMP recognizes that a fully integrated intergovernmental approach is optimal, because federal and state agencies not only can provide local managers with scientific and technical information needed for wise municipal decisions, but also can complement those decisions with additional regulatory actions on the multitude of existing and potential pollution problems. This is a particularly appropriate role for state government, which owns all rights in tidal waterways beyond the low water mark and holds a public access easement for fishing, fowling, and navigation in the intertidal zone - all "in trust" for the benefit of the general public. The Commonwealth has a responsibility for effective stewardship of these and other public trust lands, and protecting the integrity of the Buzzard's Bay ecosystem is clearly an important part of that responsibility. (A full discussion of the Public Trust Doctrin is contained in Slade, 1990).

Table 9.1. Direct applicability of action plans to local, state, and federal authorities

Action Plan	LOCAL					STATE			FEDERAL	
	Reg ¹	BOH	Pln Brd	Con Com	Other	EOEA	DEP	Other	EPA	Other
Managing N-Sensitive Embayments	T,P	R	R			MEPA:P	P,R			
Protecting Shellfish Resources		R						DMF: F,T	T	FDA:T,P
Controlling Stormwater Runoff	P	R	R	R			R	DPW:P	R	SCS:T,F
Managing Boat Sewage		R			Harb:P,R,T	P;CZM:P	R			
Managing On-Site Systems	P	R					P,R			
Preventing Oil Pollution	T				Fire:P,R,T Harb:P,R,T	P,R;CZM:T	R			USCG:T,R
Protecting Wetlands and Marine Habitat	P			R	Selectm:P		R,T			COE:P,R
Planning for Shifting Shorelines		R	R	R		CZM:P,T	R			
Managing Sewage Treatment Facilities		R			Selectm:P	P	R	DEM:T		
Reducing Toxic Pollution		R			Selectm:P	CZM:P	R		T	SCS:T
Managing Dredging and Dredged Material							P,T			COE:T

Key

R=Regulation/Implementation
 P=Policy
 F=Finance
 T=Technical

¹The Southeastern Regional Planning and Economic Development Distric has planning functions and the T represents their activities. The Cape Cod Commission has both planning and regulatory authority, P represents their activities. The regulatory authority will be used to set policy in specific areas for towns.

NOTE: Reg Agn = regional agency, BOH = board of health, Pln Brd = planning board, Con Com = conservation commission, EOEA = Massachusetts Executive Office of Environmental Affairs, CZM = Massachusetts Office of Coastal Zone Management, DEP = Department of Environmental Protection, EPA = U.S. Environmental Protection Agency, Fire = fire department, Harb = harbor master, Selectm = selectmen, MEPA = Massachusetts Environmental Policy Unit, DMF = Division of Marine Fisheries, DPW = Massachusetts Department of Public Works, FDA = U.S. Food and Drug Administration, SCS = U.S.D.A. Soil Conservation Service, USCG = U.S. Coast Guard, COE = U. S. Army Corps of Engineers.

Underlying all the recommendations presented earlier is the need for citizen involvement. Such involvement will be the crucial ingredient for the success of this Plan and the protection of Buzzards Bay. The management recommendations presented here will not be accepted merely because they are good ideas. There is a political element too, one that involves individual hardships as well as implementation difficulties and cost. Citizens must be prepared to support local initiatives resulting from these recommendations and to demand action if none is taken.

Over the past six months, the Buzzards Bay Project staff have negotiated with the state and federal agencies identified as responsible for specific regulatory or institutional actions. These commitments have been included in the respective Action Plans with which they correspond (See Chapter 5). Also, a full set of commitment letters in support of the CCMP are included at the end of this chapter. Of the federal and state agencies discussed, state agencies under the Executive Office of Environmental Affairs (EOEA) will have the most wide-ranging regulatory authority to control point and nonpoint sources of pollution to Buzzards Bay, and these agencies have formally committed to many of the actions prescribed in this CCMP. In particular, DEP (an agency under EOEA) is prepared to dedicate manpower and resources toward implementing the recommendations contained here.

Equally as important, Buzzards Bay Project staff have received first year commitments from several Buzzards Bay municipalities. These local commitments have been included with the relevant action plans. In future years, the Project, working through the auspices of the Buzzards Bay Action Committee (BBAC), will continue to receive commitments from the towns on an annual basis.

Over the next two to three years, EPA and the Commonwealth, through the National Estuary Program (NEP), will hopefully continue to support the Buzzards Bay Project. During this time, the Management Committee will continue to direct allocation of available NEP funds, monitor the status of CCMP implementation activities (including identifying any major roadblocks that develop and devising strategies for overcoming them), and monitor the effectiveness of actions taken in protecting the Buzzards Bay environment. It is expected that most of the funds from EPA will be used to support several BBP staff positions, headquartered at the CZM office in Marion, to assist local communities in carrying out CCMP recommendations. The BBAC will have the major responsibility for long-term implementation of the CCMP at the local level. However, for this to occur the BBAC must find a funding mechanism to support an Executive Director. It is hoped that once federal and state funds are no longer available, the municipalities will combine to continue this critical position.

Implementation of this CCMP will take place over the next several years. It will require that local, regional, state, and federal entities continue to cooperate to protect and enhance the viability of the Bay and its resources. Implementation can be achieved in a variety of ways — improving regulatory programs, planning for the future, establishing a regional perspective, taking legislative action, and institutionalizing the CCMP. The following sections of this chapter present a general discussion on each of these strategies.

Improving Regulatory Programs

The discussion below outlines regulatory actions necessary for action plan implementation. These could include developing new regulations or simply interpreting or enforcing existing laws and regulations more stringently. Some of these

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actions have been agreed to, with commitments established, while others remain as CCMP recommendations.

Federal

In Massachusetts, EPA has primary responsibility for issuing wastewater discharge permits under the National Pollutant Discharge Elimination System (NPDES), although most permits are issued jointly with DEP. EPA is expanding its authority toward the permitting of stormwater discharges. Preliminary steps have already been taken to develop a process for permitting those discharges that are causing the closure of significant shellfish resource areas.

The Food and Drug Administration (FDA) and EPA will need to develop a new indicator or set of indicators to assess public health risk from coastal waters contaminated by sewage. The current fecal coliform indicator used to classify shellfish areas has serious limitations, but research has not yet provided a better indicator.

State

The action plans contain several recommendations that call for new or amended state regulations and standards. In Massachusetts, DEP is the major regulatory authority for environmental protection, and as such will have responsibility for several of the recommendations contained here. As discussed above, DEP jointly administers the NPDES program and has agreed to work cooperatively with EPA in establishing a policy for stormwater permitting.

DEP should revise Title 5 to account for the effects of sea-level rise and shoreline erosion. The Title 5 regulations should also be expanded to allow for the installation of septic systems that control pollution through new technologies such as denitrification. Although DEP is moving more in this direction, a full commitment will be necessary. Without such an expansion, there will be no impetus for homeowners or communities to upgrade or install state-of-the-art septic systems.

State water quality standards do not contain numerical criteria for nutrients, but include a general statement that nutrients should not exceed site-specific limitations necessary to control "accelerated or cultural eutrophication." In order for communities to more readily and equitably implement the CCMP recommendations addressing nitrogen-sensitive embayments and land-use management, DEP will need to adopt regulatory loading standards for nitrogen. The Department has, in fact, committed to adopting such a standard for nitrogen inputs to sensitive embayments in its 1993 revision to state water quality standards. DEP will also need to more stringently interpret the current "antidegradation" provisions of its water quality standards to encompass nutrient loads and their potential impacts on water uses. Progress is also being made here as DEP's Antidegradation Task Force will look toward adoption of an interim policy in cooperation with EPA and the Buzzards Bay Project.

DEP should also improve the state's wetlands regulations to address a number of identified weaknesses that are contributing to small but cumulative losses of wetlands over time. While there have been some improvements at a policy level (in particular, no net loss of wetlands) these changes should also be made at a regulatory level. Improvements in wetlands protection also include a commitment for expanding the Wetlands Conservancy Program to protect existing wetlands in most Buzzards Bay towns.

The action plans call for EOEA to develop criteria for regulating contaminated sediments for purposes of dredged material disposal and to ensure that pollutants in sediments are not allowed to accumulate to levels that will endanger aquatic resources or be taken up by seafood species and pose a potential threat to public health. EOEA also has established an Enforcement Task Force. To help prevent oil spills and runoff of oil into the Bay, this task force should more aggressively pursue violations of the state's oil storage and disposal regulations.

Implementation of the Massachusetts Environmental Policy Act (MEPA) should also be enhanced by more carefully considering the potential cumulative impacts of proposed development projects in the Buzzards Bay area and by requiring developers to determine the total pollutant loads, including the effects of their development, in comparison to the carrying capacity of the embayment for specified pollutants.

Local

Much of Buzzards Bay is dominated by small yet cumulatively significant nonpoint sources of pollution. Except for the major discharges located in and around the greater New Bedford area and around certain other sewage treatment outfalls, most of the environmental degradation that has occurred elsewhere in the Bay is the result of the cumulative input of contaminants from small individual sources such as septic systems, stormwater runoff, lawn care and agricultural practices, and boats. In Massachusetts, because a considerable amount of authority has been delegated to local boards, these discharges will be managed only if these local authorities take action. This will not happen automatically; serious time and effort must be devoted to ensuring that implementation occurs.

The Buttermilk Bay Overlay District, designed to protect Buttermilk Bay from excessive nitrogen inputs and approved by Plymouth, Wareham and Bourne, is the first major implementation success. This is the only coastal overlay protection district in the country designed to prevent eutrophication of coastal waters. It will serve as the prototype for similar local initiatives.

Most of the municipalities surrounding Buzzards Bay have agreed to pursue initiatives recommended in CCMP action plans as part of the first year's implementation agenda. These actions include:

- Develop nitrogen loading strategies (Dartmouth, Westport, Bourne, and Falmouth)
- Identify and correct illegal discharges affecting shellfish areas (Dartmouth, Mattapoisett, Bourne, and Falmouth).
- Designate a public health official to assist the Division of Marine Fisheries (DMF) in classifying shellfish areas (Fairhaven, Wareham, Bourne, and Falmouth).
- Work with DMF on expansion of the "conditional approval" program for shellfish areas (Dartmouth and Fairhaven).
- Adopt subdivision bylaws that require best management practices for stormwater runoff (Marion, Wareham, and Bourne).
- Construct a boat pumpout facility and develop a management plan for ensuring its use (Westport and Dartmouth).

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- Amend the local sanitary code to increase the setback of septic systems from resource areas and private wells (Westport, Wareham, Marion, Bourne, and Falmouth).
- Appoint an oil spill coordinator who is fully cognizant of the local contingency plan and prepared to handle necessary response activities (Westport, Fairhaven, Mattapoisett, Marion, Wareham, Bourne, and Falmouth).
- Implement a program that ensures boatyards and marinas have specified spill response equipment on site (Marion).
- Develop watershed zoning bylaws (Dartmouth).

Communities that have not yet agreed to pursue many of the actions listed above will be encouraged to do so in future years. The action plans include other recommendations for new or tougher local bylaws to protect critical resources from degradation. The following list summarizes regulatory measures recommended for each of the municipalities that will also be pursued by the Buzzards Bay Project and the Buzzards Bay Action Committee.

- Amend zoning and subdivision bylaws where possible to incorporate the results of a buildout analysis and better land-use management.
- Adopt non-zoning wetlands bylaws and regulations to give better protection to isolated wetlands and wetland buffer zones.
- Develop performance standards for oil and grease removal from catch basins.
- Develop regulations governing management practices for fueling of vessels in harbors.
- Develop regulations requiring oil-spill-response equipment at marinas.
- Develop coastal construction setbacks from resource areas such as wetlands, and more stringently regulate construction in areas subject to sea-level rise and shoreline erosion.
- Develop regulations banning the use of septic-system cleaners that contain carcinogens.

Many Buzzards Bay communities are handicapped in their efforts to implement local regulatory programs because they lack personnel with the requisite technical expertise. Most communities do not employ planners and several do not maintain full-time health agents or conservation agents. Due to the wide range of disciplines required of any one local employee, even the communities that retain staff are hard-pressed to deal expertly with the many complex environmental issues that they must confront. Technical expertise and professional staff are needed not only for planning and protection of wetlands and public health, but also to manage a host of other land-use activities. To ensure complete, efficient, and consistent implementation by various local boards of the myriad recommendations that affect water quality, communities should establish the position of water quality coordinator. The responsibilities of the water quality coordinator would be to:

- Establish water quality goals and objectives so that all involved local departments and boards clearly understand the critical water quality issues that need to be considered in making any decisions or policies that affect living resources or water quality.

Table 9.2. Action plan relevance for protecting Buzzards Bay water quality and resources

Community in Buzzards Bay Drainage Basin																	
Action Plan	A ¹ cushn	B ourne	C ¹ arver	D artmo	F airha	F ¹ allRi	F almo	F ¹ reto	G osnol	M arion	M attap	M ¹ iddle	N ewBed	P ¹ lymou	R ¹ oches	W areha	W estpo
Managing N-Sensitive Embayments		● ²	§	● ²	●	§	● ²	§	§	●	●	§	§	§	§	●	● ²
Protecting Shellfish Resources		● ²		● ²	● ²		● ²		§	●	● ²		§			● ²	●
Controlling Stormwater Runoff		● ²		●	●		●		●	● ²	●		§			● ²	●
Managing Boat Waste		●		● ²	●		●		●	●	●		§			● ²	● ²
Managing On-Site Systems		● ²	§	●	●		● ²		§	● ²	●	§		§	§	● ²	● ²
Preventing Oil Pollution	§	● ²		●	●		● ²		●	● ²	● ²		●			● ²	● ²
Protecting Wetlands and Marine Habitat	●	●	§	● ²	●	§	●	§	●	●	●	§	§	§	§	●	●
Planning for Shifting Shorelines	§	●		●	●		●		●	●	●		●			●	●
Managing Sewage Treatment Facilities	§			●	●		●			●			●			●	
Reducing Toxic Pollution		§		●	●		§		§	§	§		●			●	§
Managing Dredging and Dredged Material	●	§		§	●		§			§			●			§	§

Key

● = high
 § = moderate
 = little or none

¹ These municipalities have little or no coastline on Buzzards Bay, therefore marine water-based action plans to protect Buzzards Bay water quality and coastal resources do not apply. Because Plymouth and Fall River have significant coastlines not on Buzzards Bay, many water-based action plans will be of interest to these communities. Some water quality action plans apply to inland communities traversed by major streams or rivers.

² These municipalities have agreed to pursue CCMP recommended actions or have already taken action.

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- Review the community's present management and regulatory policies and recommend necessary modifications.
- Advise selectmen and other policy makers as to appropriate actions necessary to meet established CCMP goals and objectives.
- Review relevant environmental data collected by the Division of Marine Fisheries and other agencies, as well as data from research organizations, and integrate this information into the management program.

Planning for the Future

To protect the ecological integrity of Buzzards Bay, decisions must be made within an established framework that sets forth the goals, objectives, and policies for appropriate uses of the Bay. Planning is one way to anticipate the future or to allocate scarce resources. At the federal and state levels, several opportunities exist to improve water quality planning. However, at the local level, careful examination of future needs and opportunities is lost in the overwhelming workload of reviewing and permitting development proposals.

Federal

Federal agencies should undertake a variety of planning activities to implement the recommendations in this CCMP. The U.S. Army Corps of Engineers has already committed to help initiate the development of a dredged material management plan for the Bay. The U.S. Fish & Wildlife Service needs to ensure that any remediation plan developed for the New Bedford Harbor Superfund site will adequately protect natural resources. The Federal Emergency Management Agency should adopt new floodplain boundaries submitted by communities subject to sea-level rise or shoreline erosion. The U.S. Department of Agriculture should continue to work with agricultural users to minimize the offsite transport of agricultural chemicals.

State

In accordance with the provisions of Section 319 of the federal Clean Water Act, DEP has prepared the Massachusetts Nonpoint Source Management Plan (NPS Plan). The NPS Plan proposes an orderly and progressive approach to prevent continued degradation of Massachusetts surface waters and groundwaters due to nonpoint sources. Because the NPS Plan is used as a guide for awarding federal funds to the state for nonpoint-source pollution projects, DEP should adopt appropriate CCMP recommendations and incorporate them into the NPS plan immediately.

In addition to the NPS Plan, the federal Clean Water Act also requires each state to establish and maintain a planning process for managing water quality. One element of the state's water quality management program has been to prepare basin plans for various river basins within Massachusetts. A basin plan identifies water quality problems and proposes solutions. At present, DEP is revising its basin plan for Buzzards Bay. DEP should adopt the CCMP as part of this planning effort. EPA uses the basin plan in the same way as the NPS Plan — to focus its grant funds on activities that address priority problems.

Local

Most importantly, as discussed in Chapter 7, Buzzards Bay communities must engage in land-use planning to manage future growth. Previous efforts to manage growth in Massachusetts have failed because of the lack of a coordinated planning framework. In Massachusetts, planning is not a prerequisite to zoning.

Buzzards Bay communities need to plan for growth and development in a way that protects environmental quality. Existing tools include the buildout analysis (which considers the maximum carrying capacity of embayment areas to assimilate pollution) harbor-management plans, and oil-spill contingency plans.

Local communities also need to plan for predicted changes to the natural environment due to phenomena such as sea-level rise and coastal erosion, for protecting critical environmental areas such as wetlands and shellfish habitat, and for reducing effluent flows from municipal sewage treatment plants. As more shellfish areas are closed, fishing pressure upon open areas is increased. Shellfish managements plans and good catch statistics are important to enhance resource productivity.

Planning is also an important element in correcting known pollution sources, whether they be from stormwater, septic systems, or boats. Resources (both personnel and financial) are limited. Communities must identify and prioritize sources that have the greatest impact on water quality.

The Buzzards Bay CCMP has incorporated many examples of effective approaches that communities can adopt and utilize to protect the Bay. In addition, Table 9.2 contains a matrix showing the relative importance of each CCMP action plan for individual Buzzards Bay communities. The key determinant of action plan relevance is protection of the Bay's water quality and resources. Buzzards Bay communities should use this matrix in determining their priorities for implementing CCMP recommendations.

Establishing a Regional Perspective

As mentioned throughout the CCMP, there is an essential need to view Buzzards Bay as a regional resource that is shared by 17 communities. Collectively, little has been done to ensure that abutting communities sharing the Bay adopt similar regulations. Moreover, even within many towns, cooperation and coordination among boards is lacking. The protection of a resource the size and complexity of Buzzards Bay requires cooperation among the communities sharing the resource as well as between the local institutions responsible for proper control of land use. A regional body acting through influence or authority, operating with and through existing interests and jurisdictions, will promote the concepts of the CCMP and ensure that its recommendations are carried out equitably and completely at the local level. In addition, given the significant annual turnover of local board members, a regional body is also important to maintain consistency and a high technical level of understanding of Bay problems and available solutions.

Realizing the importance of a regional organization to the future of Buzzards Bay, the Buzzards Bay Action Committee (BBAC) was created in September, 1990. The BBAC is actually an outgrowth of the Buzzards Bay Advisory Committee which was formed

THE BUZZARDS BAY ACTION COMPACT

We, the undersigned municipalities, recognize the serious threat to Buzzards Bay as a significant resource through its deteriorating water quality and the associated threat to public and environmental health, to the viability of the economic base, and the quality of life.

We further recognize that the drainage basin of Buzzards Bay crosses municipal boundaries; that the future of the Bay depends on the ability of neighboring communities to control the quality of their environment through regional communication and cooperation among municipal, state, and federal agencies responsible for managing the Bay and its watershed.

We support the formation of a voluntary, regional organization of local governments to be known as the Buzzards Bay Action Compact. The Compact's members agree to exchange information and ideas that will expedite the region's ability to implement sound environmental regulations and by-laws to protect and enhance our mutual resource, Buzzards Bay.

We agree to review and update our individual town by-laws and regulation so as to voluntarily:

- manage nitrogen sensitive embayments
- protect and enhance shellfish resources
- control stormwater runoff
- manage wastes from boats
- manage individual septic systems
- prevent oil pollution
- protect wetlands and marine habitat
- plan for a shifting shoreline
- reduce/eliminate toxic pollution
- manage dredging and disposal of dredged materials

These actions are contained in the Buzzards Bay Comprehensive Conservation and Management Plan.

Acushnet Carle H. Blanchard

Bourne W. Thomas Boyer, Robert W. Papp, Marie O'Neil

Dartmouth Lenora Guadalupe, William M. ...

Fairhaven Joseph ...

Falmouth Virginia Valiela

Gosnold Walter ...

Marion ...

Mattapoisett John ... De Costa

New Bedford ...

Rochester ...

Wareham ...

Westport ...

signed this 11th day of January, 1991

through the auspices of the Buzzards Bay Project to allow municipal officials a role in the direction of the Project. However, the BBAC has now evolved into an independent voice speaking for Buzzards Bay towns.

The first major step in the evolution was hiring an executive director with the primary responsibility of promoting implementation of the CCMP by organizing local action and developing regional approaches to common local problems. The executive director has four major tasks:

- Work with the BBAC to assist in the development of an organizational purpose to facilitate CCMP action.
- Diagnose the capability of local boards to implement the CCMP recommendations and work with the BBAC to correct any identified problems.
- Facilitate the provision of technical assistance to local boards and officials to carry out their CCMP responsibilities.
- Work towards the development of mechanisms for ensuring the long term implementation of the plan. Develop inter-municipal cooperation procedures and explore financing alternatives.

The initial accomplishment of the BBAC was the unanimous agreement of all 12 member communities to sign the Buzzards Bay Action Compact. This includes all 10 coastal communities plus Rochester and Acushnet which do not have coastline but are within a few miles of the Bay. The Compact's major features are: 1) agreement to exchange information and ideas to expedite the region's ability to implement sound environmental regulations and enhance Buzzards Bay and; 2) agreement to review and update town regulations in support of the action plans contained in the CCMP. The Compact was signed by the Mayor of New Bedford and the leading Selectman from each of the other 11 towns on January 11, 1991. Since the signing of the Compact, Plymouth has also joined the BBAC. The 4 additional towns that lie in the outer reaches of the Buzzards Bay drainage basin are presently being approached to become member communities. The evolution of the BBAC into an action-oriented organization and the adoption of the Buzzard Bay Compact are major achievements for an area with no history of conducting regional programs.

Ultimately, the success of the BBAC will hinge upon the continued ability to fund an executive director. EPA Region I has provided funding for 2 years, and it is hoped that the member communities will combine to appropriate funds each year after that.

Taking Legislative Action

The Massachusetts Legislature is considering a bill that proposes to establish a shellfish grant program to provide financial assistance to local communities for enhancing shellfish productivity. This program would replace the shellfish reimbursement program that had been in effect for nearly 30 years. This bill should be enacted at a funding level of \$400,000.

In 1988, the Massachusetts Legislature passed a transportation bond bill containing a number of provisions for control of nonpoint sources. One provision created a stormwater runoff grant program. This grant program should be expanded to fund stormwater runoff projects in the Buzzards Bay area.

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Since 1987, proposed legislation has been before the Massachusetts Legislature to establish a state program for nonpoint-source control. The Legislature should take immediate action to formally establish such a program within EOEA in order to provide regulatory authority to control and abate nonpoint-source pollution.

At the federal level, there are several bills now pending before the Congress that would address estuarine protection issues such as elimination of marine combined sewer overflows, establishment of marine water quality standards, and improved point and nonpoint-source marine pollution control. Passage of these bills would provide stronger regulatory tools for EPA and the states to control coastal pollution.

Other federal legislation has been introduced by Congressman Studds and is referred to as "Operation Coastal Shield of 1991". In particular, this Act seeks to extend EPA's involvement in each estuary's management conference beyond the approval of the CCMP. Operation Coastal Shield also authorizes funds up to \$20 million per year for National Estuary Programs with an approved CCMP.

Institutionalizing the CCMP

CZM has a well established and effective review process for evaluating actions, especially federal actions, that may impact the state's delineated coastal zone. This process has been institutionalized within the state's governmental framework for over 12 years. It is well suited for overseeing proposed actions or projects for their consistency with the CCMP. While the review of federal actions through the "federal consistency" review process carries the greatest authority, CZM presents the added dimension of reviewing other actions that will significantly affect the coastal zone. This is particularly relevant to Buzzards Bay where the CCMP has identified local land use activities as its area of greatest concern.

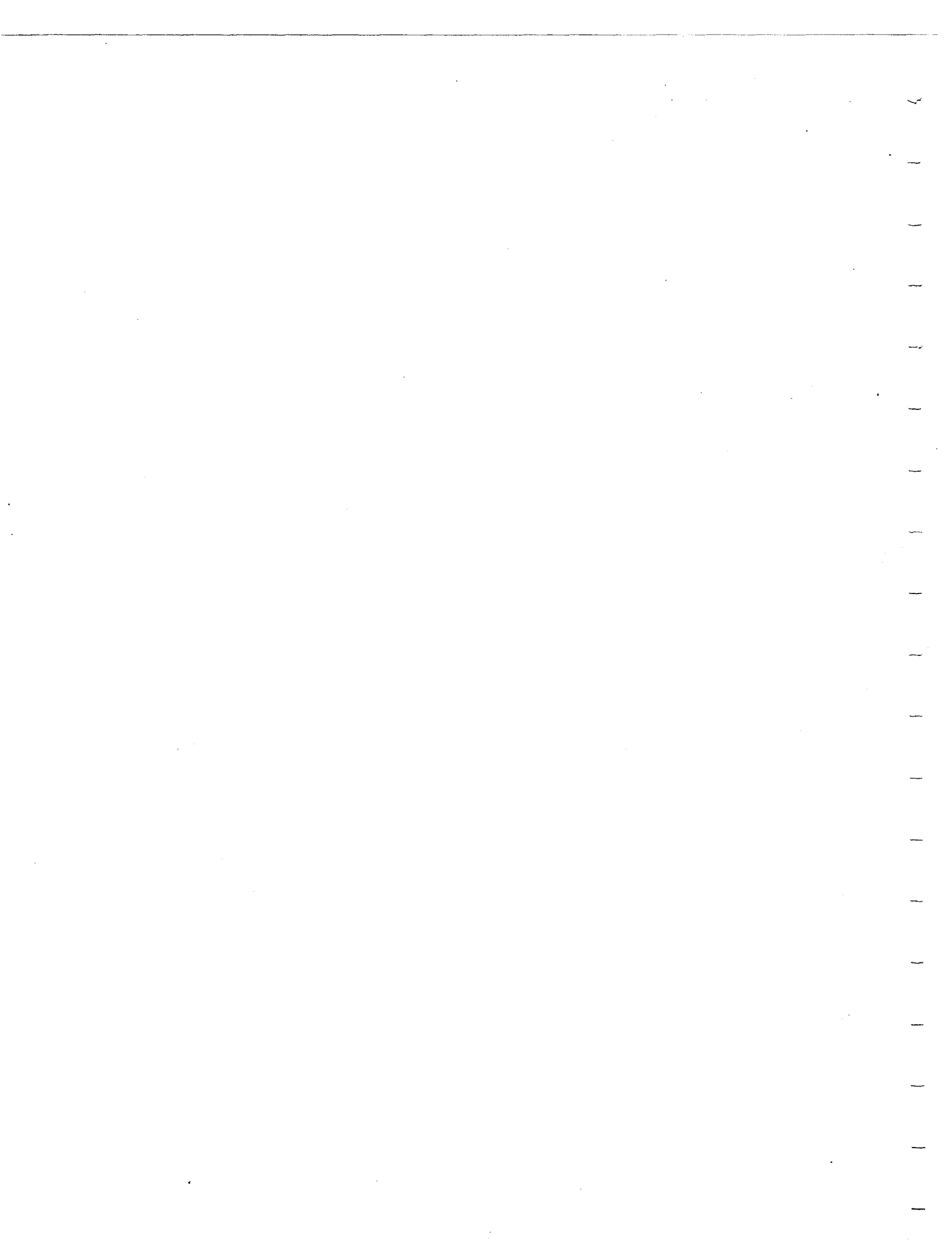
The Buzzards Bay Management Committee in consideration of this, as well as the NOAA-EPA Agreement ("... to avoid duplication of effort ... and the development of conflicting regulatory mechanisms...") has determined that it is in the best interest of the Buzzards Bay Project and its CCMP to delegate the function of federal consistency review and the review of other non-federal actions to CZM. This will be accomplished by incorporating the CCMP Action Plans into the Massachusetts Coastal Zone Management Plan (CZMP).

The most significant result from incorporation of the CCMP into the CZMP will be the expansion of the coastal zone boundary to encompass some or all of the Buzzards Bay drainage basin and thus expand CZM's oversight. The evaluation of projects, many of which involve critical land-use decisions in the upper reaches of the basin, would be most valuable to CZM and the Buzzards Bay Project. The recent reauthorization of the Coastal Zone Management Act has strengthened the state's authority to review land-side effects and it should provide the flexibility for allowing this change.

After the Administrator of EPA signs the final CCMP for Buzzards Bay, the process of incorporating the document within the state's coastal program will begin. New CZMP regulatory policies will be drafted that apply only to the Buzzards Bay drainage basin. In addition, non-regulatory policies that apply to non-enforceable CCMP actions will also be drafted. Because this will be the first attempt to merge a CCMP

and a CZMP, it will receive close scrutiny and probably require a lengthy review period. A complete discussion of this and other consistency issues, together with the list of federal programs to be reviewed, is available in the Buzzards Bay Federal Consistency Report.

The Buzzards Bay Project envisions that once the CCMP is merged with the CZMP, CZM will be responsible for periodically convening the Management Committee on an as needed basis. The primary purpose will be to ensure that state and federal agencies are complying with their CCMP commitments. All state and federal agencies that have made implementation commitments will be represented on the Management Committee. The BBAC will also be represented on the committee and will be responsible for municipal commitments. In order to keep the management framework intact and help ensure that implementation is successful, the Buzzards Bay Management Conference will ask the EPA Administrator to extend the Conference for an additional five years.



Addendum to Chapter 9

Supporting Documentation for CCMP Implementation

The following correspondence and endorsement demonstrate the wide-spread support garnered for the Buzzards Bay CCMP. Included are a resolution from the Buzzards Bay Action Committee, representing the municipalities of Buzzards Bay, as well as letters of commitment from key federal and state agencies. Also included is a federal consistency determination from the Massachusetts Coastal Zone Management Office. The Buzzards Bay Project is proud of the unanimous acceptance and endorsement that the CCMP has received from those who will be directly responsible for its implementation. The BBP is confident that this will be translated into the long-term protection of Buzzards Bay as a special national resource.

**RESOLUTION OF SUPPORT FOR THE
COMPREHENSIVE
CONSERVATION AND MANAGEMENT PLAN
FOR BUZZARDS BAY**

Whereas: The member municipalities of the Buzzards Bay Action Committee recognize the importance of a clean Buzzards Bay to the regions health, the commercial and recreational values of Buzzards Bay and its economic vitality.

Whereas: The municipalities of the Buzzards Bay region recognize the serious threat to its cherished bay.

Whereas: After a five year in depth study by the Buzzards Bay Project, a plan of action containing numerous recommendations to protect and enhance the water quality and living resources of the bay has been written and thoroughly reviewed .

Whereas: The 13 member municipalities of the Buzzards Bay Action Committee have agreed unanimously to enact said plan as stated in the Buzzards Bay Action Compact, dated January 11, 1991.

Be it therefore resolved that: The membership of the Buzzards Bay Action Committee unanimously agree to request that the Honorable William F. Weld, Governor of the Commonwealth of Massachusetts and Mr. William K. Reilly Director of the United States Environmental Protection Agency to approve the final draft dated July 1991 of the Buzzards Bay Comprehensive Conservation and Management Plan as soon as possible.

By: Acushnet Earle H. Blanchard Mattapoisett William T. Nicholson
Bourne James F. Malatos New Bedford Scott Coffey
Dartmouth Michael J. Fagan Plymouth Richard L. Daniels
Fairhaven Jeffrey W. Douch Rochester Harry A. Brown
Falmouth B. L. Trapp Wareham Joseph P. Grassia
Gosnold Charles M. Vetter Westport Ray Sherman
Marion L. H. B. R.



The Commonwealth of Massachusetts
Executive Office of Environmental Affairs
Department of Environmental Protection

Daniel S. Greenbaum
Commissioner

One Winter Street
Boston, Massachusetts 02108

December 7, 1990

Dear Secretary DeVillars and Administrator Belaga:

The Department of Environmental Protection (DEP) has taken an active role in the development of the Buzzards Bay Comprehensive Conservation and Management Plan (CCMP). Over the last few months, DEP has evaluated the goals, objectives and commitments outlined in the draft CCMP. Much of the responsibility required by this important document falls to DEP for implementation. We take this responsibility seriously. The following attachment summarizes the major DEP commitments and target dates for completing them.

The regulatory framework to meet these commitments currently exists. Certain regulations such as Title 5 (the State Sanitary Code) and the Water Quality Standards are proposed for regular review and update and will further strengthen the Department's ability to improve water quality. Over the next three years, DEP will incorporate the implementation goals into our program plans and will strive to meet or exceed each of the commitments.

Based on our review of the draft document, we believe that the goals of the CCMP can be met by the cooperative relationship of DEP and local environmental officials, supported by EPA. I look forward to working together to make this country's first CCMP a success to protect the important resources of Buzzards Bay.

Very truly yours,

A handwritten signature in dark ink, appearing to read "D. S. Greenbaum".

Daniel S. Greenbaum
Commissioner

DG/BD/la

Attachment
\ccmp

DEP COMMITMENTS FOR IMPLEMENTING THE CCMP

Managing Nitrogen Sensitive Embayments

DEP will adopt a regulatory standard for nitrogen inputs to sensitive embayments in its 1993 revision to State Water Quality Standards. Target Date: 6/93.

Interim Actions

By 12/92 DEP will adopt a regulatory policy on nitrogen loading to coastal waters and field test it. DEP will prepare a nitrogen budget and nitrogen-specific waste load allocation for Marion Harbor (specific monitoring and loading studies will be coordinated with EPA's Waquoit Bay Project which is determining nitrogen transport and uptake mechanisms for that Bay). Using this information, DEP's Antidegradation Task Force will adopt an interim policy on nitrogen control and will develop a nutrient water quality standard. EPA and the Buzzards Bay Project (BBP) will develop a list of nitrogen-sensitive embayments in Buzzards Bay (using embayment flushing rates currently being developed by the Project) which will be used to determine where to apply the state standard.

DEP will actively promote the development and acceptance of cost-effective alternative technologies for denitrification. Target Date: 12/91.

Interim Actions

DEP will continue to provide technical assistance and oversight to the town of Marion in developing its solar aquatics system for wastewater treatment.

Protecting and Enhancing Shellfish Resources

DEP will take enforcement for significant illegal discharges identified by DMF's sanitary surveys. Target Date: 12/93.

Controlling Stormwater Runoff

DEP will work cooperatively with EPA and develop a policy on stormwater permitting (addressing prioritization of discharges and permit requirements) and DEP will include provisions for stormwater permitting in its State Water Quality Standards. DEP will coordinate its regulatory authority (under MGL Ch. 131 s. 40, 310 CMR 4.00, Water quality Certifications, NPDES) for controlling stormwater runoff.

Target Date: 6/93.

Interim Actions

DEP in association with EPA will conduct a pilot stormwater permitting project in one or two Buzzards Bay towns. During the summer of 1991, discharges in these towns will be monitored before and after rain events by DEP and EPA. In late 1991 and early 1992, using the information gathered during this sampling project, DEP and EPA will issue joint permits for those discharges which are causing a significant water quality impact. In addition, DEP will work with EPA and the Town(s) to develop a policy on how many new discharges can be allowed or what types of best management practices must be put into place without causing state water quality criteria to be exceeded.

The DEP Antidegradation Task Force will consider the results of the above project in developing its stormwater policy for adoption in the 1993 revisions of the state water quality criteria.

Managing Sanitary Waste from Boats

Using its Chapter 91 permitting authority, DEP will require new marinas or expansions of existing marinas (greater than 10 additional slips) to have adequate pumpout facilities. Target Date: 12/92.

DEP will implement a policy ensuring adequate management treatment for sewage pumped from boats. Target Date: 1992.

DEP will implement a policy to eliminate toxic additives in marine sanitation devices. Target Date: 1991.

Interim Actions

DEP is currently developing its revisions to Title 5. An initial study is due 3/91, with final revisions scheduled by 12/91. In addition, DEP has completed a final Generic EIR on the use of Privately-owned Sewage Treatment Facilities (PSTFs). These studies will form the basis of DEP policies/regulations on the use of septic systems.

Protecting Wetland and Marine Habitat

DEP will use its water quality certification authority under Section 401 of the Clean Water Act and in conjunction with the Wetlands Protection Act to:

- . Require an analysis of alternative strategies and options before wetlands are allowed to be destroyed or altered, and only allow destruction under extreme circumstances or in projects with an overriding public purpose.

- . Require restoration or replication of any wetlands that are allowed to be altered or destroyed at a ratio of at least 1:1.
- . Require the same level of analysis and protection for isolated vegetated wetlands and intermittent streams as for other wetland areas.

DEP will implement its Wetlands Conservancy Program in Mattapoisett and Westport. Target Date: 1993.

Interim Actions

This initiative will include DEP conducting aerial flyovers and digitizing wetland areas using the ensuing photographs. Title restrictions governing alteration of wetlands will be placed on properties containing identified wetlands. This process has already successfully taken place in other Buzzard Bay towns.

DEP will establish criteria for designating wetlands as waters of the Commonwealth using water quality standards and subjecting them to stringent controls under the Antidegradation provision of the Clean Water Act. Target Date: 1992.

Planning for a Shifting Shoreline

DEP will amend its wetlands regulations and adopt performance standards for the resource area "Land Subject to Coastal Storm Flowage" (100 year floodplain). Target Date: 1991.

Managing Sewage Treatment Facilities

DEP will designate all existing aquatic Areas of Critical Environmental Concern (ACECs) as outstanding resource waters subject to the highest level of protection under the Antidegradation provisions of the Clean Water Act. DEP will work with the BBP, CZM and the Cape Cod Commission to determine if additional areas within the Buzzards Bay watershed should be designated as ACECs. Target Date: 1992.



COASTAL ZONE
MANAGEMENT

The Commonwealth of Massachusetts

Executive Office of Environmental Affairs

100 Cambridge Street

Boston, Massachusetts 02202

October 4, 1990

Mr. David Fierra, Chairman
Buzzards Bay Project Management Committee
U.S. Environmental Protection Agency/R1
Water Management Division
JFK Federal Building
Boston, MA 02203-2211

Dear Mr. Fierra:

The Massachusetts Executive Office of Environmental Affairs' (EOEA) Coastal Zone Management (CZM) Program supports the overall goals and objectives of the Buzzards Bay Project as outlined in the Comprehensive Conservation and Management Plan (CCMP).

For Fiscal Year 1991 (FY91), The Massachusetts CZM Office commits to implementation of the following components of the Action Plan:

I. Managing Boat Waste.

A. CZM and EOEAs Department of Environmental Protection (DEP) will develop a program that ensures adequate pumpout facilities for all harbor areas.

1. DEP's Division of Wetlands and Waterways Regulation and Division of Water Pollution Control will advance this action item through recently enacted Tidelands Licensing Program Regulations (MGL CH. 91) and Water Quality standards, respectively, as a part of the CZM Program.

B. The CZM convened interagency Task Force on Marine Sanitation Devices will invite a member of the Buzzards Bay Advisory Committee (BBAC) to sit on the Task Force.

C. CZM and the U.S. Environmental Protection Agency (EPA) will work with Buzzards Bay municipalities to develop a strategy for nominating to EPA and designating "no discharge zones" within coastal embayments. CZM and EPA will work with the BBAC on which priority nominations will most affectively advance the goals and objectives of the Buzzards Bay Project CCMP.

D. Under CZM's Coastal Facilities Improvement Program, CZM will give consideration to eligible projects, including those of Buzzards Bay, that propose to construct municipal marine pump-out facilities where needed and appropriate.

II. Planning for a Shifting Shoreline.

A. CZM will assist Buzzards Bay area planning boards, conservation commissions and other relevant local committees, commissions and boards in mapping coastal areas that are, or will be, affected by erosion and/or sea level rise.


B. CZM will provide technical assistance to Buzzards Bay communities in developing by-laws, ordinances, regulations, guidelines and policies for building in flood zones mapped by the Federal Emergency Management Agency. Such building standards will be based upon the interests of public safety, environmental protection and public health. The standards will rely on scientifically accurate data.

III. Managing Dredging and Dredged Material Disposal.

A. CZM and the U.S. Army Corps of Engineers will form an interagency committee to develop a dredged material disposal plan for Buzzards Bay. Appropriate state and federal agencies, such as the National Marine Fisheries Service and EOE's Division of Marine Fisheries will be invited to sit on the committee. A Buzzards Bay Dredged Material Regional Disposal Plan draft scope of work will be outlined. The draft will include alternative disposal sites beyond that of the traditional Cleveland Ledge site.

CZM will continue to develop and refine its FY91 commitments to the Buzzards Bay Project as the Management Conference completes its work on the final CCMP and begins first year implementation.

Sincerely,



Jeffrey R. Benoit
Director

JRB:JJC



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

J.F. KENNEDY FEDERAL BUILDING, BOSTON, MASSACHUSETTS 02203-2211

November 1, 1990

Mr. John DeVillars
Ms. Julie Belaga
Policy Committee
Buzzards Bay Project

Dear Secretary DeVillars and Administrator Belaga:

The Water Management Division of the Environmental Protection Agency (EPA) will provide staff expertise and available funding for three years toward ensuring successful implementation of the Buzzards Bay Comprehensive Conservation and Management Plan (CCMP).

EPA will contribute the specialized knowledge of its personnel on an as needed basis, especially the staff from the Marine and Estuarine Protection Section. In addition to the Project's base funding (presently \$200,000) from the Office of Marine and Estuarine Protection in Washington, EPA Region I will provide \$100,000 over two years to fund the Executive Director of the Buzzards Bay Advisory Committee (BBAC). We feel this is critical because the BBAC will hold the key to ultimate success in Buzzards Bay.

While primary implementation responsibility rests with state and local governments, EPA will assume a strong supporting role. The agency will contribute technical assistance where it is appropriate and provide leadership in developing new initiatives in Buzzards Bay. A full time staff position will be assigned to assist the Buzzards Bay Project in implementing the CCMP during the coming year. This assignment may be extended through 1993.

EPA specifically commits to the following activities:

Managing Nitrogen Sensitive Embayments:

EPA will assist the Department of Environmental Protection (DEP) in reviewing the solar aquatics technology to be tested in the town of Marion. Charles Conway, EPA wastewater treatment specialist, will be available to DEP in assessing this innovative treatment approach during 1991.

EPA will contribute the time of a water quality specialist to serve on DEP's Anti-Degradation Task Force. This group will be



addressing objectives contained in the CCMP's nitrogen strategy.

Stormwater Management:

EPA will assist DEP in developing a policy for stormwater permitting that will be incorporated in state water quality standards in 1993.

As interim measures, EPA will work with DEP and one or two towns willing to conduct a pilot stormwater permitting program. During the summer of 1991 priority discharges in these towns will be monitored before and after rain events. In late 1991 and early 1992, using the sampling information gathered, EPA will issue permits for those discharges causing a water quality impact, requiring that the state standard for coliform be met. In addition, EPA will work with DEP and the towns to develop a policy on how many new discharges can be allowed without exceeding state water quality criteria.

Managing Sanitary Wastes from Boats

EPA will designate at least one embayment as a no discharge zone during 1991.

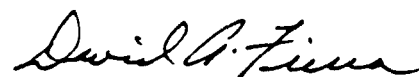
As interim measures, EPA will prioritize embayments for no discharge zone status with assistance from the Buzzards Bay Project (BBP). If necessary and available, EPA may provide partial funding for pumpout facilities in priority embayments. EPA will assist the BBP in preparing no discharge zone applications for those embayments.

Managing Sewage Treatment Facilities

EPA will conduct evaluations of Dartmouth, Wareham and Fairhaven municipal discharges. Using the ten criteria established under Section 403(c) of the Clean Water Act, EPA will ensure that these discharges are not having an adverse impact on coastal water quality and ecosystems. This analysis will be completed by 9/91.

We look forward to fully participating as a partner agency in accomplishing the goals of the CCMP.

Sincerely,



David A. Fierra, Director
Water Management Division



DEPARTMENT OF THE ARMY
NEW ENGLAND DIVISION, CORPS OF ENGINEERS
424 TRAPELO ROAD
WALTHAM, MASSACHUSETTS 02254-9149

REPLY TO
ATTENTION OF

March 14, 1991

Planning Directorate
Impact Analysis Division

Mr. David A. Fierra
Director of Water Management Division
U.S. Environmental Protection Agency
Region I
J.F.K. Building
Boston, Massachusetts 02203-2211

Dear Mr. Fierra:

The U.S. Army Corps of Engineers fully supports the goals and objectives contained in the Buzzards Bay Comprehensive Conservation and Management Plan (CCMP). We will be pleased to offer our expertise toward the protection and restoration of water quality, living resources and marine habitat in Buzzards Bay..

Implementation of the recommended actions in the CCMP will require a coordinated effort by local, state and federal agencies. We look forward to participating in this process as an active member of the Buzzards Bay Management Committee and by working cooperatively with Project staff.

Specifically, the Corps of Engineers commits its resources to the following activities:

- 1) Working cooperatively with the Executive Office of Environmental Affairs to initiate an interagency committee of local, state and federal authorities to develop a dredged material disposal plan for Buzzards Bay. A task force will be assembled by 12/91.
- 2) Co-chairing the above-mentioned task force. The task force will be responsible for summarizing the needs and character of dredged material disposal for Buzzards Bay and developing a management plan. As part of the plan, the task force will review the permitting process for the purpose of facilitating greater efficiency while ensuring protection of the environment. A draft management plan will be completed in 1993.
- 3) Exchanging and transferring data on sediment and water quality as well as climatological and hydrographic data with the Buzzards Bay Project. This will be compiled in an accessible database for users. It will be an ongoing project to begin in October, 1991.

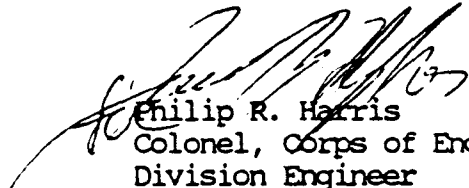
- 4) Pending the availability of funds, NED will support the Buzzards Bay Project with economic analysis of resource values in the Bay. Shellfish values will be assessed from data provided by the Massachusetts Division of Marine Fisheries.

- 5) Continuing to work with the U.S. Coast Guard to promote safe navigation in Buzzards Bay and the Cape Cod Canal. This will include evaluating measures which could reduce the potential for shipping accidents in the western approach to the Canal. One specific measure involves proposed Cape Cod Canal regulation changes which would require earlier notification by commercial shipping interests requesting permission to enter the west end of the canal. This change, already implemented on an informal basis, will serve to forewarn mariners of potential difficulties in the area and enable them to respond accordingly.

In addition, the Corps will be extensively involved in future remedial actions at the New Bedford Harbor Superfund Site. These activities will include an extensive monitoring program. We will share information and coordinate our activities with the Buzzards Bay Project to the extent possible.

We look forward to being an active partner in the longterm protection of Buzzards Bay.

Sincerely,


Philip R. Harris
Colonel, Corps of Engineers
Division Engineer
*LTC, ECR
AC 75 Cdr*



SOUTHEASTERN REGIONAL PLANNING AND ECONOMIC DEVELOPMENT DISTRICT

88 BROADWAY • TAUNTON, MASS. • 02780 • (508) 824-1367

March 11, 1991

Mr. David Fierra, Chairman
Buzzards Bay Project Management Committee
U.S. Environmental Protection Agency
Water Management Division
JFK Federal Building
Boston, MA 02203

Dear Mr. Fierra:

The Southeastern Regional Planning and Economic Development District has played a major role in the development of the Comprehensive Conservation and Management Plan for Buzzards Bay, and wishes to participate in its implementation.

SRPEDD is one of 13 regional planning agencies created by the Massachusetts legislature. SRPEDD has jurisdiction over all cities and towns in the Buzzards Bay watershed except for Falmouth, Bourne and Plymouth. Our powers are advisory only. As a regional agency, SRPEDD will work closely with the Buzzards Bay Action Committee and the Coalition for Buzzards Bay to prevent duplication of effort.

We pledge to undertake the following actions to assist in the CCMP's implementation:

Overall

- SRPEDD will use its statutory review authority under Executive Order 12372 and the Massachusetts Environmental Policy Act to seek compliance with the CCMP. SRPEDD routinely makes comments and recommendations under these programs.
- As a comprehensive planning agency, SRPEDD has concerns which go beyond environmental issues to encompass economic development, transportation and housing, among others. SRPEDD policies and plans promote the idea that a strong economy and a healthy environment are compatible with each other if there is good comprehensive planning. We will work to insure that planning and development in the Buzzards Bay region is balanced, so that needs for jobs, housing and transportation can be met without adverse impact on the Bay.
- SRPEDD's planning and review will consider development outside the drainage area and the indirect impacts such development could have on Buzzards Bay.

Land Use Management

- SRPEDD supports the recommended regional actions on p.141 of the CCMP, specifically calling for RPA's to provide technical

assistance in conducting buildout analyses and planning for land use management and for RPA's to aggressively protect critical resources. We concur with these recommendations consistent with our budget, and will use our review authority to further these actions.

Managing Nitrogen Sensitive Embayments

- SRPEDD will employ buildout analyses (see Land Use Management above) to determine total projected nitrogen loading for various buildout scenarios.

Controlling Stormwater Runoff

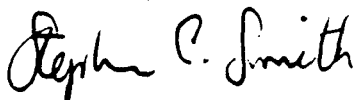
- SRPEDD will continue to work with municipalities to revise their subdivision regulations to reduce stormwater runoff from new development.

Reducing Toxic Pollution

- SRPEDD's industrial source reduction program will be pursued in Buzzards Bay. Some effort is projected for 1991 with New Bedford industries.

It is our hope that the collective efforts of all federal, state, regional and local agencies can make the CCMP a model plan to preserve Buzzards Bay.

Sincerely,



Stephen C. Smith
Executive Director

SCS:njb
(L-91-56)



COASTAL ZONE
MANAGEMENT

The Commonwealth of Massachusetts
Executive Office of Environmental Affairs
100 Cambridge Street
Boston, Massachusetts 02202

Memorandum of Understanding

**The Massachusetts Coastal Zone Management Office
And The Buzzards Bay Action Committee**

In order to maximize scarce manpower and provide as much protection as possible to the sensitive coastal resources of Buzzards Bay from the accidental spillage of oil, Massachusetts Coastal Zone Management Office (MCZM) and the Buzzards Bay Action Committee (BBAC) agree to work in a cooperative program that will lead to a regional strategy for managing oil spills in Buzzards Bay.

MCZM Southeast Region Activities

-MCZM Southeast will provide each town with a generic outline for a local oil spill plan to be used in the preparation of a plan for local oil spill coordinators of each town in Buzzards Bay. The outline will be loosely based on the U. S. Coast Guard Oil Spill Contingency Plan to facilitate easy transfer of relevant information from the local plan to the federal plan.

-MCZM Southeast will provide technical assistance to Buzzards Bay communities to facilitate the identification and prioritization of sensitive environmental areas in danger of damage from oil spills. It will be up to each town to map this information for inclusion in the final plan. CZM will provide mapping guidelines to insure consistency between towns within the region.

-MCZM Southeast will work on a system to regionally prioritize the areas identified by each town, to provide a regional hierarchy for use in the event of a catastrophic oil spill.

-MCZM Southeast will encourage the satisfactory completion of oil spill contingency plans by each Buzzards Bay town.

BBAC Activities

-BBAC will ensure that each town appoints an oil spill coordinator responsible for maintaining and overseeing the deployment of equipment and directing response activities including coordinating with the Coast Guard during a spill event.

-BBAC will develop a mutual aid protocol that will govern the purchase and use of oil spill equipment by the towns.

-The BBAC will coordinate the sharing of equipment between towns, once a mutual aid

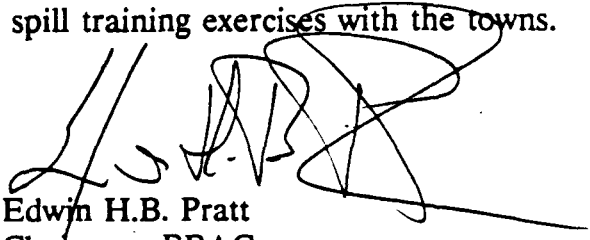
agreement is in place between the Buzzards Bay Communities, and spill equipment lists have been made for each town.

-BBAC will develop a model bylaw that will require all boatyards and marinas to maintain specified oil containment and cleanup equipment on site.

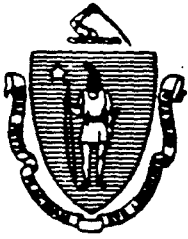
-BBAC will develop a model bylaw that will serve to manage the fueling of vessels.

-BBAC will coordinate the logistics of oil spill training exercises with the towns.

Jeffrey R. Benoit
Director, CZM



Edwin H.B. Pratt
Chairman, BBAC



PHILIP G. COATES
DIRECTOR

The Commonwealth of Massachusetts

*Division of Marine Fisheries
Leverett Saltonstall State Office Building
100 Cambridge Street
Boston, Massachusetts 02202*

727-3193

March 6, 1991

Mr. David A. Fierra
Director of Water Management Division
WAA-442
U.S. Environmental Protection Agency
John F. Kennedy Federal Building 2100
Boston, Massachusetts 02203-2211

Dear Mr. Fierra:

The Division of Marine Fisheries (DMF) has taken an active role in the development of the Buzzard Bay Comprehensive Conservation and Management Plan (CCMP). Over the last few months, DMF has evaluated the goals, objectives and commitments outlined in the draft CCMP particularly as they relate to living marine resources and especially shellfish growing areas. The responsibility for protecting and enhancing the shellfish resources and growing areas is shared by the municipalities and DMF. The towns have the primary responsibility and authority to protect shellfish growing areas from contamination that has forced public health closures. DMF is responsible for conducting shellfish sanitary surveys and classifying growing areas as approved for harvesting or prohibited (closed) to harvesting of shellfish for human consumption. Both DMF and the municipalities share responsibility for management of the shellfisheries.

The DMF takes its responsibilities seriously and is committed to working with Buzzards Bay communities as outlined in recommendations number 2 and 3 of the CCMP recommended action regarding protection and enhancement of shellfish growing areas for 1991 (see attached).

Throughout this current year, DMF will incorporate the goals of establishing guidelines for towns to conduct shoreline surveys and field train designated town personnel to insure continued cooperative shoreline survey programs and increase the number of conditionally approved shellfish areas.

Based on our review of the draft CCMP, we believe that DMF can meet these goals by working cooperatively with local officials.

Very Truly Yours,



Philip G. Coates
Director

PROTECTION AND ENHANCEMENT OF SHELLFISH GROWING AREAS

Goal

Increase availability of shellfish resources for recreational and commercial uses.

Strategy

The enhancement of shellfish growing areas demands a twofold approach. The primary method requires the towns to correct the sources of contamination that are forcing shellfish closures and not permitting any new sources in shellfish areas. Because of the extent of the problem and the cost of solutions, towns will need to set priorities. Secondly, towns should work closely with the Division of Marine Fisheries (DMF) in an attempt to keep open as many shellfish areas as possible.

Major Recommended Actions

1) Towns should correct the sources of contamination that are closing shellfish beds and not allow new sources in these areas: Boards of Health, Departments of Public Works and Shellfish Wardens should take the initiative for accomplishing this.

Shellfish Sanitary Survey Reports from DMF should be the starting place for developing a strategy. The reports will indicate suspected and identified sources of contamination. The Board of Health should enforce the upgrade of all gross septic system failures and remedy illegal connections to storm drains prior to consideration of solutions to stormwater problems. The Boards of Health should not allow any additional pollution without requiring an NPDES permit from the Environmental Protection Agency. (See Stormwater Action Plan for stormwater related problems.)

2) Selectmen should designate individuals in each town (preferably with public health responsibility) in the continuing update of shoreline survey information in cooperation with DMF.

DMF should provide field training for these individuals. In addition, DMF and the towns should develop long-term cooperative arrangements that ensure consistency of town participation and maximizes limited state personnel with local manpower.

3) DMF and the towns should work together and increase the number of conditionally approved shellfish areas: Selectmen should be responsible for demonstrating to DMF the communities' commitment in undertaking this effort.

DMF should meet with the communities and explain the necessary procedures and commitment of municipal funds for establishing a program for conditionally approving shellfish areas. DMF and the individual communities should determine whether the necessary funding and manpower is available to accomplish the task.



COASTAL ZONE
MANAGEMENT

The Commonwealth of Massachusetts
Executive Office of Environmental Affairs
100 Cambridge Street
Boston, Massachusetts 02202

July 1, 1991

David A. Fierra, Chairman
Buzzards Bay Management Committee
c/o US EPA, Water Management Division
WQE-1900
JFK Federal Building
Boston, MA 02203-2211

Re: Federal Consistency Certification: Buzzards Bay Program
Comprehensive Conservation and Management Plan (CCMP).

Dear Mr. Fierra:

The Massachusetts Coastal Zone Management (MCZM) Office has completed its review of the proposed CCMP for Buzzards Bay.

We concur with your certification and find that the activity as proposed is consistent with the MCZM Program Policies.

If the above-referenced proposal, which has received this concurrence from MCZM, is modified in any manner or is noted to be having effects on the coastal zone or its uses that are substantially different than originally proposed, please submit an explanation of the nature of the change to this Office pursuant to 301 CMR 21.17 and 15 CFR 930.66.

Thank you for your continued cooperation and good luck with the project.

Sincerely,

A handwritten signature in cursive script that reads "Jeffrey R. Benoit".

Jeffrey R. Benoit,
Director

JRB/jbm