

## Request for Proposals – Buffer Zone Guidance

### Brief summary of MACC

The Massachusetts Association of Conservation Commissions (MACC) is a nonprofit corporation, founded in 1961 and incorporated in 1978, whose mission is to protect Massachusetts' natural resources by supporting conservation commissions through education and advocacy. MACC provides legal, scientific, policy, and technical training and support to Massachusetts conservation commissions. MACC works collaboratively with government agencies, nonprofits, and volunteers to achieve its environmental protection mission.

MACC's education programs include *Fundamentals for Massachusetts Conservation Commissioners*, an eleven-unit, twenty-hour, certificate training course that provides the basics of conservation commissions' responsibilities and operations, including wetlands protection and permitting under the Massachusetts Wetlands Protection Act (WPA) and authority under the Conservation Commission Act (CCA). MACC's Annual Environmental Conference, the largest of its kind in New England, provides a wide range of workshops on wetlands and open space protection. MACC's online e-book, *Protecting Wetlands and Open Space: MACC's Environmental Handbook for Massachusetts Conservation Commissioners*, prepared for conservation commissions, is the indispensable resource for understanding and administering the WPA and the CCA. Since the passage of the WPA in 1972, MACC has trained tens of thousands of conservation commissioners through workshops, education programs, conferences, and resource materials.

MACC also advocates for wetland and open space protection on government advisory committees and in meetings with state and federal officials. MACC advocates for smart environmental laws, regulations, and policies that will work, are scientifically sound, and can be implemented and enforced at the local level. MACC files amicus briefs with appellate courts to assert those principles.

### Project Description

MACC is seeking a qualified consultant to research, write, and publish *The Massachusetts Wetlands Buffer Zones Guidebook*. This document will be the definitive Massachusetts reference on regulating activities in the buffer zones of certain Resource Areas regulated under the WPA.

The WPA regulations (wetland regulations) define buffer zones for bank, beach, dune, salt marsh, and bordering vegetated wetlands (collectively, wetland) as the land extending 100 feet horizontally outward from the boundary of these areas. The preface to the 2005 revisions to the wetland regulations discusses at length the importance of buffer zones in protecting wetlands. Buffer zones “play an important role in preservation of the physical, chemical and biological characteristics” of the adjacent wetlands; extensive work in a buffer zone, particularly the clearing of natural vegetation and soil disturbance, is likely to “alter the physical characteristics of [wetlands] by changing their soil composition, topography, hydrology, temperature, and the amount of light received.” The impact on a wetland depends on the amount and character of work done in the buffer zone, proximity of the work to the wetland, and the characteristics of the buffer zone and wetland.

Activities in a buffer zone, with some exceptions, are subject to a conservation commission's jurisdiction. The wetland regulations, however, do not afford buffer zones the same protections as wetlands. Unlike the requirements for wetlands, there are no regulatory performance standards that govern the work that may be done in a buffer zone.

The absence of state regulatory performance standards for work in buffer zones has led many municipalities to adopt local wetland bylaws/ordinances, regulations, and policies governing work in a

buffer zone. There is wide variation in those local laws, regulations, and policies, as well as in how conservation commissions condition work conducted in a buffer zone. There is no definitive source book to guide commissions to good and consistent science-based decision-making in support of the Order of Conditions they are responsible for issuing. The Massachusetts Buffer Manual of 2003 is outdated and has proven far short of what is currently needed. Its scope is limited to how to use vegetated buffers to protect waterbodies; it was written before the two most recent wetland regulations revisions; and it does not include the current science on buffer zones. Conservation commissions need a definitive source book on the science of, and regulatory options for, the buffer zones of wetlands.

The *Massachusetts Wetlands Buffer Zones Guidebook* must include the applicability to regulating work in riverfront areas (acknowledging that this is not a buffer zone but a Resource Area). It will not require new scientific research but instead will be a literature search and compilation. Proposals must include a preliminary outline of the *Buffer Zone Guidebook*.

The funding for this draft guidance document was received through a grant with strict deadlines. The *Buffer Zone Guidebook* must be completed on, or before March 30, 2018.

### **Scope of Work**

1. Conduct literature search on Buffer Zones as the land extending 100 feet horizontally outward from the boundary of wetlands.
2. Summarize the Buffer Zone and Riverfront Area results in a clearly written guidance document for use by Massachusetts conservation commissions. Include tips for reviewing and permitting projects in Riverfront Areas.
3. Provide recommendations for performance-based standards of buffer zone projects, for conservation commissions reviewing buffer zone work, for conservation commissions writing and monitoring Orders of Conditions, and for reviewing and permitting projects in Riverfront Areas. These recommendations can include tips in the format of short, standard checklists, or “cheat sheets” to assist conservation commissions in their work.
4. Optional Task. Provide an optional and separate task to present the results of the *Buffer Zone Guidebook* to conservation commissions at two events in 2018. MACC will coordinate the training events in eastern and western Massachusetts. For this proposal, assume the events will be held in Southeast and Central/Western Massachusetts.

### **Products and Deliverables**

1. Attend three (3) meetings with MACC: for a kick-off meeting to review the report outline (November 2017), review the Preliminary *Guidebook* draft (December 2017), and second draft of the *Guidebook* (prior to February 9, 2018).
2. Draft-final *Buffer Zone Guidebook* for review and comment, March 31, 2018.
3. Submit two (2) hard copies of the final *Buffer Zone Guidebook* and one (1) digital format, April 2018.

### **Proposal Requirements**

Please provide a clear and concise electronic submittal via email. All proposals should contain the following documentation:

#### **1. Proposal Narrative**

Submit a preliminary outline for the *Buffer Zone Guidebook* and timeframe for responding to comments, and submit a narrative containing methods of accomplishing all items within the Scope of Work.

2. **Staff Qualifications**

The proposal must identify proposed staff with resumes. Include experience with wetlands, buffer zones, and preparation of guidance documents. Clarify if any staff are outside contractors.

3. **Budget**

The price to be paid by MACC for the services specified herein shall be a “top set limit not to exceed” amount. Submit breakdown of all costs, by job title and hourly rates of pay, estimated man hours and rates by task within the scope of work, including supplies, materials, and sub-contractor costs, if any.

MACC may reject consulting firms not meeting the submittal deadline or not meeting minimum qualifications. Consultant selection will be based on qualifications, costs, clarity of written documents, and applicability of proposal.

MACC’s selection committee will rate consultant proposals and will give notice of the acceptance of the successful proposal with a notice to proceed. A copy of the signed MACC Agreement must be signed and executed ten (10) calendar days of receipt of the notice to proceed.

**Project Duration**

November 2017– March 30, 2018. This project is expected to take five (5) months from notice to proceed, or from the date of contract execution.

**Proposal Due Date: November 10, 2017**

Submit electronic copy of proposal, resumes of key staff, schedule, and costs to: Dorothy McGlincy, at [dorothy.mcglincy@maccweb.org](mailto:dorothy.mcglincy@maccweb.org). Call our office at (617) 489-3930 with any questions.



This project is funded by the Massachusetts Environmental Trust. For information about the Trust <http://www.mass.gov/eea/grants-and-tech-assistance/grants-and-loans/mass-enviro-trust/met-overview.html>

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