

# Appendix A

## The Management Framework In Buzzards Bay

The wise management and utilization of the resources in Buzzards Bay come under the purview of a variety of legislative mandates and regulatory agencies at the federal, state, and local levels. In addition, there are a number of nonregulatory programs carried out by governmental entities, including regional planning agencies, that have a role to play in restoring and protecting Buzzards Bay. This appendix will provide an overview of the existing governmental framework and provide a context for many of the recommendations described in the text of the Comprehensive Conservation and Management Plan (CCMP).

### Federal Agencies

#### U.S. Environmental Protection Agency

The U.S. Environmental Protection Agency (EPA) operates under several important pieces of federal legislation of concern in Buzzards Bay. These include the Clean Water Act; the Comprehensive Environmental Response, Compensation, and Liability Act; and the National Environmental Policy Act.

The Clean Water Act of 1977 regulates "discharges" from all point sources into navigable waters of the United States. Its coverage generally extends to pipeline discharges and the disposal of dredged material in estuaries. Outfalls from land-based facilities such as sewage treatment plants and industrial plants also are subject to regulation under the Clean Water Act.

Under the Clean Water Act, as amended by the Water Quality Act of 1987, EPA is responsible for

- Coordinating the National Estuary Program, of which Buzzards Bay is one of the 12 "estuaries of national significance", EPA Region I has direct responsibility for the administration of the Buzzards Bay Project in partnership with the Commonwealth
- Regulating industrial discharges and publicly owned sewage treatment facilities under the National Pollution Discharge Elimination System, which governs point source pollution
- Setting water quality standards for all significant bodies of surface waters
- Controlling nonpoint-source pollution, such as agricultural and stormwater runoff
- Protecting wetlands and other waters by co-administrating, with the U.S. Army Corps of Engineers, a permitting program that regulates the discharge of dredged or fill material into waters of the United States

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- **Administering the Construction Grants Program and the State Revolving Loan Funds Program.**

Under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 and the amendment, SARA, better known as Superfund, EPA is to provide emergency response and cleanup capabilities for chemical spills and releases from hazardous waste treatment, storage, and disposal facilities. New Bedford Harbor has been designated a Superfund site due to extensive contamination of the sediments by polychlorinated biphenyls (PCBs)

The National Environmental Policy Act of 1970 requires that an environment impact statement (EIS) be prepared for all proposed legislation and all major Federal activities that could significantly affect the quality of the human environment. EPA Region I has recently prepared an EIS for the secondary wastewater treatment plant proposed for New Bedford.

### **U.S. Army Corps of Engineers**

The U.S. Army Corps of Engineers provides engineering services and construction support for a wide variety of military and civilian projects. The Corps' primary civil role is to manage the country's waterways and wetlands. Its projects include reducing flood damage, improving harbors and navigation channels, protecting stream banks and shorelines, and other activities aimed at preserving and safeguarding the environment.

The Corps issues permits (under Section 404 of the Clean Water Act) for discharging of dredged materials into waters or placing dredged (or fill) material in waters or wetlands. Hence, constructing piers, docks, and ramps, or any dredging activities in navigable waters, requires Corps 404 permits.

Under its Comprehensive Flood Damage Protection Program, the Army Corps of Engineers manages the hurricane barriers in New Bedford Harbor. As part of its navigational responsibilities, the Corps develops, maintains, and improves harbors and waterways to meet commercial and recreational needs. Operating and maintaining the 17.5-mile-long Cape Cod Canal is under the jurisdiction of the Corps. The Corps of Engineers also helps to protect and restore shores and beaches from erosion damage.

The New England Division of the Army Corps of Engineers has been involved in Superfund activities such as the cleanup of a toxic waste dump near Dartmouth and in studies of contamination in New Bedford Harbor as part of the cleanup efforts.

### **National Oceanic and Atmospheric Administration**

The National Oceanic and Atmospheric Administration (NOAA) is part of the Department of Commerce. As the nation's lead marine science agency, NOAA's estuarine and coastal program responsibilities involve research, data collection and assessment, and management. In addition, NOAA has established the Estuarine Programs Office to coordinate its diverse estuarine activities both internally and with other organizations.

NOAA's research programs are directed at improving current knowledge of the physical processes of estuaries, the natural and human-induced factors affecting the productivity and health of fishery resources, and the effects of habitat loss and of chemicals and pathogens on edible fish and shellfish.

NOAA collects, archives and synthesizes a variety of oceanographic, climatic, fisheries, and pollution data. Its Status and Trends Monitoring Program assesses the effects of environmental degradation by measuring toxic chemicals in sediments, fish, and shellfish. Under this program, NOAA conducts sampling in Buzzards Bay.

The Coastal Zone Management Act of 1972 administered by NOAA, provides funds, policy guidance, and technical assistance to coastal states to help them establish and maintain coastal zone management programs. Such programs are designed to promote the wise use and protection of coastal land and water resources. The Massachusetts Coastal Zone Management Program was the first state effort on the east coast and the fourth in the nation to receive federal approval in 1978.

As required by the Coastal Zone Management Act, the state program reviews all federally conducted or supported activities that directly affect the coastal zone. The purpose of the review is to assure that these activities are in compliance with approved state environmental programs. This federal consistency review process is a powerful implementation tool to protect and manage the coastal zone in Buzzards Bay. The Buzzards Bay Project is administered by the Massachusetts Office of Coastal Zone Management in conjunction with EPA Region I.

## **USDA Soil Conservation Service**

The Soil Conservation Service (SCS) is part of the U.S. Department of Agriculture (USDA). SCS supports local communities in the management of agricultural waste and stormwater runoff, which are two major nonpoint pollution sources in Buzzards Bay. In the past, SCS focused primarily on agricultural practices. As part of the USDA Rural Clean Water Program, an experimental project was conducted in the Westport River Watershed to control animal wastes that were contributing to the closure of shellfish beds.

Recently, SCS has directed some of its efforts to provide technical assistance to communities experiencing impacts from development. The SCS has now established a work group to address problems in the Buzzards Bay basin.

In addition, USDA is in the process of implementing a new program, the hydrologic unit initiative, to address the declining quality of the nation's groundwater and surface water. Buzzards Bay is one of the targeted areas. Under this initiative, USDA which includes SCS, the Agricultural Stabilization and Conservation Service and Cooperative Extension has begun a five-year program, in cooperation with the Buzzards Bay Project, to provide education and technical assistance to reduce nonpoint-source pollution from agricultural operations and stormwater.

## **U.S. Coast Guard**

The U.S. Coast Guard enforces provisions of the Clean Water Act regarding discharges of oil, hazardous substances, and sanitary wastes from boats and ships. The Coast

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Guard also establishes regulations regarding performance standards for marine sanitation devices, in cooperation with EPA. The Coast Guard regulates all public and private aids to navigation used in coastal waters.

## U.S. Food and Drug Administration

The U.S. Food and Drug Administration is responsible for setting seafood quality standards to protect public health and regulating the quality of shellfish products entering interstate commerce. This agency oversees the National Shellfish Sanitation Program.

## State Agencies

### Executive Office of Environmental Affairs

The Executive Office of Environmental Affairs (EOEA) is a cabinet-level secretariat whose principal authority is to implement and oversee state policies that preserve, protect, and regulate natural resources and the environmental integrity of the Commonwealth of Massachusetts. Of the departments and units within EOEA, the following are most involved with the management issues for Buzzard Bay:

- The Massachusetts Coastal Zone Management Office (CZM)
- The Massachusetts Environmental Policy Act Unit (MEPA)
- The Department of Environmental Protection (DEP)
- The Department of Environmental Management (DEM)
- The Department of Fisheries, Wildlife, and Environmental Law Enforcement (DFWELE)

The responsibilities and activities of these agencies are described below.

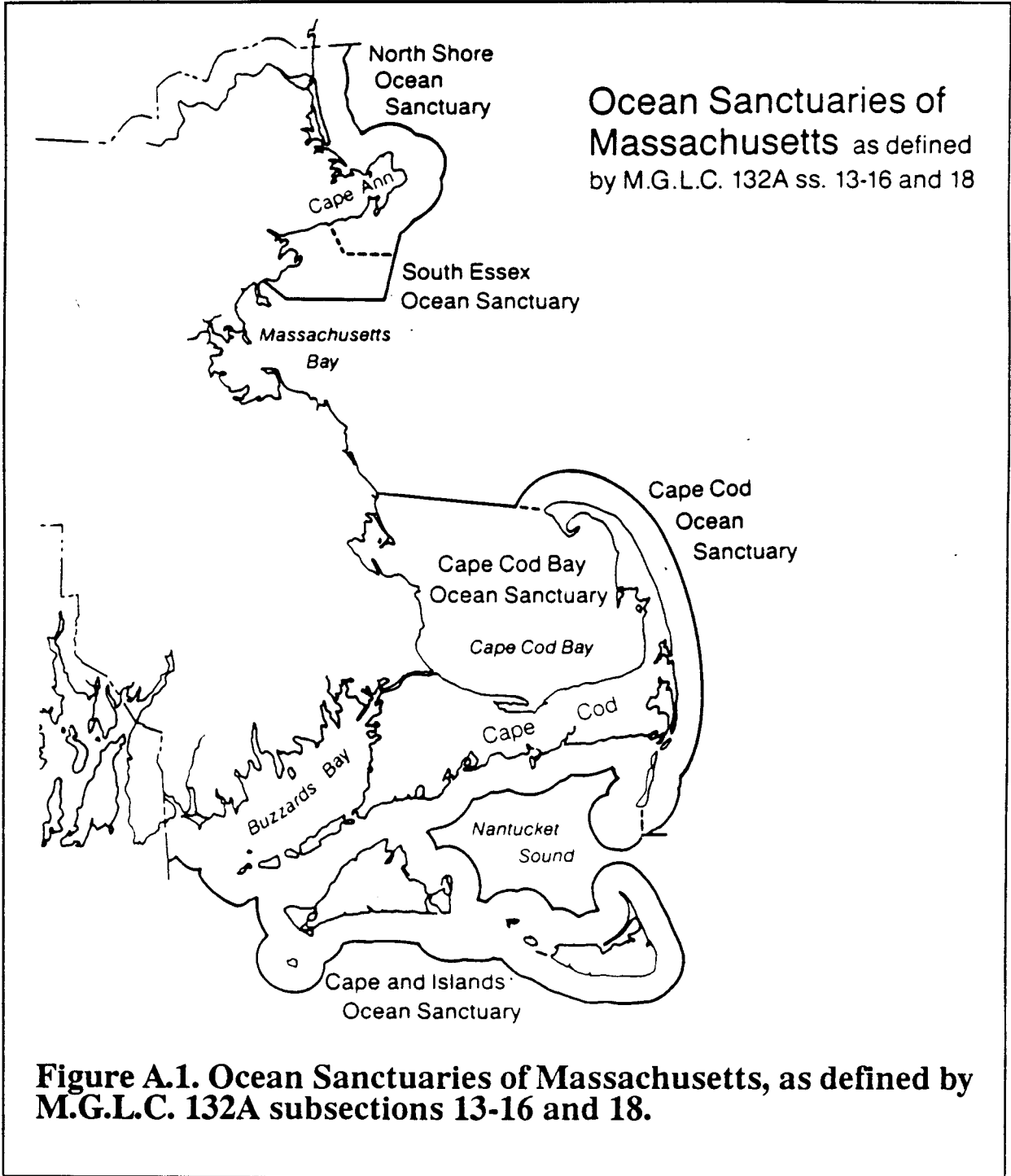
EOEA may designate certain protection areas. One of these are Areas of Critical Environmental Concern (ACEC). An ACEC designation recognizes the importance of such systems, alerting regulatory agencies and the public alike that activities therein must meet high environmental quality standards.

## Massachusetts Coastal Zone Management

The Massachusetts Coastal Zone Management Office (CZM) develops state policy to protect resources and manage development in the coastal zone. As officially defined, the Massachusetts coastal zone extends landward from the coast to 100 ft beyond specified major roads, rail lines or other visible rights-of-way and seaward to the edge of the territorial sea and includes all of Cape Cod, Martha's Vineyard, Nantucket, and Gosnold.

Developed under the authority of the federal Coastal Zone Management Act of 1972, the Massachusetts Coastal Zone Management Plan was approved in 1978 and established 27 policies to protect and manage the Commonwealth's coastal zone and its valuable resources.

CZM is a planning and policy agency. To carry out its responsibilities, the agency relies upon existing state regulatory authority and the federal consistency review process. CZM administers a number of local financial assistance grant programs and provides technical assistance to local communities. The primary areas of CZM concern include coastal hazards, marine environmental protection, energy, waterfront development and harbor planning, and recreation. CZM also supports scientific studies, mapping



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projects, and other activities that add to the knowledge of coastal resources and enhance planning and decision-making in Massachusetts. The Coastal Resources Advisory Board (CRAB) and various Citizens Advisory Committees add an essential citizen perspective to CZM's work.

Through the federal Coastal Zone Management Act, CZM is empowered to review all federal activities in Massachusetts to ensure they are consistent with state coastal policy. Any large coastal project requiring a federal license or permit, implemented by a federal agency, or carried out with federal funds must undergo this consistency review.

The Coastal Facilities Improvement Program is administered by CZM to assist eligible coastal communities in the construction, reconstruction, repair or maintenance of coastal facilities and the preparation of comprehensive harbor plans.

## Massachusetts Environmental Policy Unit

The Massachusetts Environmental Policy Act (MEPA) directs state agencies, when permitting and licensing proposed development, to review, evaluate, and determine the impact on the natural environment of these works, projects, or activities and to use all practicable measures to mitigate their impacts and minimize damage to the environment. Regulations under Title 301 of the Code of Massachusetts Regulations (CMR) Chapter 11.00 define which projects are subject to MEPA review. Projects below thresholds are exempt, although projects or projects in sensitive areas are likely to trigger MEPA review.

## Department of Environmental Protection

The Department of Environmental Protection (DEP) administers most of the Commonwealth's environmental regulatory programs. These programs address a variety of concerns including air and water quality, solid and hazardous waste disposal, and development of wetlands and waterways. The following discussion describes the divisions most closely related to the CCMP.

### The Division of Wetlands and Waterways

The Division of Wetlands and Waterways administers three programs - the Coastal Wetlands Restriction Program (Massachusetts General Laws, Chapter 130, Section 105; the Wetlands Protection Program (Massachusetts General Laws, Chapter 131, Section 40) and the Waterways Act (Massachusetts General Laws, Chapter 91).

### Wetlands Protection

Conservation commissions, which are locally appointed bodies, are the first line of defense in wetlands protection under the Massachusetts' Wetlands Protection Act. They have primary authority to review projects proposed in or near wetlands, and issue Orders of Condition (written statements that control the impact of activities in wetlands by stating the conditions under which the activities must take place). Regulations and policies to guide the conditioning process are developed by the Division of Wetlands and Waterways. The division reviews local conservation commission decisions which have been appealed. All decisions by DEP may be appealed to an adjudicatory hearing.

### **Wetlands Restriction**

Activities within especially large or otherwise significant wetland areas throughout Massachusetts are controlled by the Inland and Coastal Wetlands Restriction Acts. Restrictions are placed on the deeds of properties within significant wetlands, which gives these resource areas an extra measure of protection. About two-thirds of the state's coastal wetlands have been mapped and restricted, and the division is now working to complete the process throughout the state.

### **Chapter 91 (Waterways) Licensing**

Massachusetts General Laws Chapter 91 require that DEP review and license activity in state waterways. Activities that require Chapter 91 licenses include the placement of piers, wharves, and other structures or fill; changes in use of existing structures and fill; and dredging. Before a Chapter 91 license is issued, Wetlands and Waterways must determine that the proposed project will not interfere with navigation or the operation of public facilities; is structurally sound; promotes public access and will not diminish public rights or the rights of adjacent shoreline property owners; and finally, will not adversely impact environmental resources such as wetlands, fish runs, shellfish beds, and fish spawning and nursery areas.

### **The Division of Water Pollution Control**

The Division of Water Pollution Control is the lead unit for improved water quality and water pollution prevention in accordance with the provisions of the Massachusetts Clean Water Act. The division issues Water Quality Certificates — permits that regulate pollution discharges and the effects of dredging projects on water quality. The Division also issues National Pollutant Discharge Elimination System (NPDES) permits for surface water discharges and separate permits for groundwater discharges. NPDES permits are jointly issued by DEP and EPA, who develop pollutant discharge limits to ensure compliance with water quality standards. Groundwater permits are required for discharges greater than 15,000 gallons of sewage and for any industrial waste.

### **The Bureau of Municipal Facility Grants and Loans**

The Bureau of Municipal Facility Grants and Loans administers the state/federal construction grants program, which has evolved from a previous federal and state combined grant program that once provided state grants for planning, and federal and state grants for the construction of municipal sewage treatment plants. This program is now principally a loan program under a state revolving fund. A construction grants program is also available. This program is directed at wastewater projects that are not funded by the federal program or have lower priority in the federal system.

### **The Division of Hazardous Waste**

The Division of Hazardous Waste regulates transportation, storage, and disposal of waste materials within the Commonwealth, and monitors the environmental impact of these materials with regard to public health and safety. The division licenses haulers of hazardous waste, uses computers to track waste disposal, and penalizes violators of state and federal hazardous waste regulations. The division also works to clean up

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existing hazardous waste sites and assists communities in cleaning up oil and chemical spills.

### **The Division of Solid Waste Management**

The Division of Solid Waste Management regulates solid waste generated by municipalities, industry, commercial sources, and consumers. The Division assesses waste sites and waste facilities, and enforces all provisions of the Massachusetts Solid Waste Act. The Division also develops and manages programs for recycling, composting, and other technologies for waste minimization and source reduction.

## **Department of Environmental Management**

The Department of Environmental Management (DEM) is responsible for preserving and protecting the natural resources of the Commonwealth and for managing state lands and waters. The work of the following divisions is most closely related to the CCMP.

### **The Division of Water Resources**

The Division of Water Resources has three priorities: to collect, refine and update basic water resources data for dissemination to state, federal, and local agencies and the general public; to prevent loss of life and damage to property through flood control; and to facilitate the development of a comprehensive water resources management plan for Massachusetts. The state's Ocean Sanctuaries Program is located in this division (Figure A.1). The Ocean Sanctuaries Act (Massachusetts General Laws, Chapter 132A, Section 13-16 and 18) established sanctuary areas that must receive a special level of protection from "any exploitation, development or activity that would seriously alter... endanger the ecology or the appearance of the ocean, the seabed, or subsoil ... ." Buzzards Bay is part of the Cape and Islands Ocean Sanctuary established in 1971. In addition, the Division of Water Resources acts as state coordinator for the National Flood Insurance Program administered by the Federal Emergency Management Agency (FEMA).

### **The Division of Waterways**

The Division of Waterways improves, develops, maintains, and protects the Commonwealth's inland and coastal waterways. Specific programs include the Rivers and Harbors Program, which identifies the need for renovations and improvement to the state's inland and coastal waterways; waterways projects, which include dredging to maintain navigable channels, beach nourishment, and the construction and rehabilitation of piers and other coastal facilities; the State Piers in Gloucester, New Bedford, and Fall River, which are administered by the division and leased to private operators and managers; recreational facilities projects, including capital improvements to existing state recreational facilities (beaches, etc.) and construction of new ones; and public access projects, including the design and construction of marinas, boat ramps, and Public Access Board projects funded by the Department of Fisheries, Wildlife and Environmental Law Enforcement, but administered by the Division of Waterways as the contracting agent.



## **Office of Safe Waste Management**

The Office of Safe Waste Management is responsible for planning and facilitating the safe and efficient management of hazardous waste in Massachusetts. The Office of Safe Waste Management sponsors the Household Hazardous Waste Program, which funds community collections of household hazardous waste and works to increase public awareness of the larger problem of hazardous waste disposal statewide. They have also conducted pilot projects on source reduction in industrial discharges. This program employed audit teams — a free multi-media non-regulatory service provided to businesses with industrial discharges.

## **Department of Fisheries, Wildlife and Environmental Law Enforcement**

The Department of Fisheries, Wildlife, and Environmental Law Enforcement (DFWELE) is responsible for the management and conservation of the Commonwealth's freshwater and saltwater fisheries and its wildlife, including rare and endangered species. The department enforces the state's wildlife laws and regulations and conducts research on wildlife and the environmental factors that influence them. The department also has jurisdiction over registration and operation of motorboats and off-road vehicles, and operates 140 public access sites statewide.

The Division of Marine Fisheries protects and enhances the state's living marine resources, especially commercially and recreationally caught shellfish, lobster, and finfish. As part of its management responsibilities, the division issues permits for the taking, harvesting, and landing of fish for commercial purposes as well as permits for the recreational harvest of lobsters. A unique feature of the Massachusetts fisheries laws provides local control of shellfish, eels, sea worms, and alewives.

The division administers the Shellfish Sanitation Program and determines the classification of shellfish areas within the state. It also works to promote and develop Massachusetts' commercial and recreational fisheries and to implement strategies that will maintain the integrity and future availability of the Commonwealth's valuable marine resources.

## **Management at the Local and Regional Level**

The Commonwealth of Massachusetts has a long-standing tradition of local self-determination, or home rule. But it was not until 1966, with the adoption of the Home Rule Amendment to the state's constitution, that this philosophy changed the thinking and actions of legislation and court decisions in Massachusetts. Generally, municipalities are authorized to exercise through the "adoption, amendment, or repeal of local ordinances or by-laws ... any power or function ... not denied ..." by the state. This is one of the strongest declarations in this country of the right to local control. The legislature, although it has the authority, has rarely used its power to preempt local initiative.

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Home rule authority is highly valued and strongly defended in Massachusetts communities. Land-use controls, in particular, are viewed as a local prerogative. In Buzzards Bay, attention to land-use issues is of vital importance to environmental quality and conservation of resources. However, towns and cities must follow ground rules for local governments as stipulated in state law. Legal decisions that strike down local controls are more likely to be based on procedural problems than on the substance of what the municipality is attempting to accomplish.

Another long-standing tradition in Massachusetts is town meeting. The town meeting is the legislative body of town government. Generally, it is a gathering of all the eligible voters in the town to conduct town business (some towns have adopted representative Town Meeting). Town meeting decides for what purposes the town will spend money and how much may be spent; adopts and amends bylaws to govern the conduct of the inhabitants of the town in local affairs; and elects citizens to fill certain town offices.

### **Boards of Selectmen**

Boards of selectmen, as principal officers of the town, have general supervision over all matters that are not delegated by law or by vote at town meeting to some other officer or board. These boards have three to five members and may act as assessors, water commissioners, sewer commissioners, and boards of health. In Gosnold, an island community where there are few year-round residents, the board of selectmen assumes responsibility for all the major boards within the town. In some towns, selectmen have full-time professional staff to assist them or act on their behalf in the management of the municipality. New Bedford is the only city on Buzzards Bay and, as such, has a different form of governance. Its governing structure is composed of a mayor and an 11-member city council elected separately every two years.

### **Boards of Health**

Towns elect a board of health (most have three members) or the selectmen can act in this capacity. In New Bedford, the board of health is appointed by the mayor. A board of health has far-reaching authority in exercising its responsibility to protect the health, safety, and welfare of the community. Their broad regulatory authority has thrust them into the forefront of environmental protection on the local level. Boards of health can adopt regulations for any activity that might endanger public health or contaminate surface water or groundwater. In many communities, the chief duties of boards of health have become the regulation of landfills and approval of septic system installations. Under Title 5 (State Sanitary Code) boards issue permits for any septic system receiving up to 15,000 gallons per day (e.g., a large condominium project); larger systems must be approved by DEP. In granting or denying a permit, the Board relies primarily on two tests: a percolation test to see if water will pass through soil at a reasonable rate and a deep-hole test to determine the level of groundwater.

Boards of health have a major role in subdivision review. They have special authority over drainage and waste disposal in proposed subdivisions. Every definitive subdivision plan must be submitted to the board for its recommendations to the planning board. If the board of health rejects a plan, providing specific reasons why areas are not suited for building, the planning board cannot override the decision. However, there must be evidence that a serious pollution problem is likely to occur if the development goes

forward. Finally, boards of health inspect private wells, swimming pools, and certain other facilities.

## **Conservation Commissions**

The Conservation Commission Act of 1957 enabled local towns to establish a special commission to protect natural resources, serve as an advisor in municipal decision-making, accept gifts of money and land, and regulate local wetland use. When DEP developed its regulations for the Wetlands Protection Act in 1978 and 1983, most municipalities that had not already done so, found it necessary to establish a conservation commission to administer the new and relatively stringent state wetland regulations. Commissions consist of three to seven members appointed by the selectmen or mayor. Conservation commissions determine if a project will alter wetland resources and what conditions are required to protect the statutory wetland interests of water supplies, prevention of storm damage, prevention of pollution, and protection of fisheries and wildlife habitat. The commission has authority to order modifications of a proposed project if they determine it will damage or destroy a wetland resource. Conservation commissions have authority to regulate activities within 100 feet of inland and coastal wetlands, within the 100-year floodplain, and within land under water bodies and waterways.

Home rule allows the municipalities to expand state regulations by adopting local wetland bylaws. These bylaws may give conservation commissions the authority to adopt regulations, tighten permit requirements, and add wetland values to be protected. Conservation commissions also have the authority to accept and hold permanent or temporary conservation restrictions. These restrictions authorize and enable the Commission to prevent landowners from using their land in a way that damages natural resources. Conservation commissions can also acquire conservation lands that are valuable for habitat protection, aquifer protection, open space, or any environmental value.

## **Harbor Masters**

Harbor masters have broad powers to regulate uses and activities of waterways. The harbor master is typically appointed by the selectmen to oversee harbor activities and enforce Massachusetts General Laws Chapter 90B Section 15B. These regulations authorize towns, through their harbor masters, to regulate vessels in municipal waterways. The regulations address the safe operation of boats, boat speed limits, channel obstructions, boat seaworthiness, fishing, swimming, diving, and refueling. Some municipalities have harbor regulations that limit the number of moorings to avoid crowding and boat pollution in certain areas. Harbor regulations may also prohibit the discharge of trash, oil, and untreated sewage into town waters.

## **Planning Boards**

Planning boards were created by Massachusetts General Laws, Chapter 41 (containing the municipal planning and subdivision control acts) to plan for the "resources, possibilities, and needs" of their communities, including the protection of natural resources. Planning boards contain from five to nine members. Towns have the option

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of deciding by town meeting vote whether the board shall be appointed by the selectmen or elected by the voters. In New Bedford, the mayor appoints the planning board.

Planning boards are generally responsible for community development through the adoption and implementation of zoning and subdivision ordinances or bylaws. Zoning is one of the basic powers conferred on local government under home rule. Zoning in Massachusetts is employed to guide the physical development of a community by dividing the municipality into zones and specifying the permissible land use, for example, residential, commercial, industrial.

Subdivision regulations govern the process of dividing a parcel of land into two or more lots. Under these regulations, planning boards generally require each developer to submit a subdivision plan for approval prior to the start of any construction. Approval or nonapproval is based on compliance of the proposed development with standards as provided in the local subdivision regulations.

## **Zoning Boards of Appeals**

Boards of appeals were established by Massachusetts General Laws, Chapter 40A, to authorize zoning variances to alleviate individual hardship from subdivision control and zoning bylaws or ordinances. In addition, decisions may also be appealed to the superior court. The mayor (subject to confirmation of the City Council) or board of selectmen appoint three to five members of the zoning board of appeals. Under the law, no variances can be granted unless three circumstances existing on a property create a hardship for the owner and entitle that owner to a variance: soil conditions, shape of lot, and topography. The other major duty assigned to boards of appeals is to hear and decide applications for special permits. Often this involves permits in special zoning areas, such as an overlay protection district. The boards of appeal also are empowered to issue comprehensive permits under the affordable housing provisions of Chapter 40B.

## **Regional Planning Agencies**

Regional planning in Massachusetts is carried out by 13 active regional commissions formed under Chapter 40B of Massachusetts General Laws. The commissions represent the participating cities and towns in each region and employ professional staff that carry out planning responsibilities. The regional planning agencies (RPAs) compile data, conduct research, and prepare comprehensive plans for the area's physical, social, and economic development. One of the responsibilities of the RPAs is to participate with the Executive Office of Communities and Development in the review of federal funding applications and federal development proposals. This review is the so-called "A-95" review and gets its name from the U.S. Office of Management and Budget circular A-95, which was written in 1969 to provide for the review of almost 1,000 federal programs. In 1982 the process was modified, allowing states and RPAs to develop their own process and reducing the number of programs to be reviewed to approximately 200. In Buzzards Bay there are two RPAs that represent all but two of the 17 municipalities that make up the watershed area, the Southeastern Regional Planning and Economic Development District (SRPEDD) and the Cape Cod Commission (CCC). SRPEDD covers 12 Buzzards Bay towns and the City of New Bedford, while CCC represents the Cape towns of Bourne and Falmouth. In addition,

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the Old Colony Planning Council represents Plymouth, and the Martha's Vineyard Commission covers Gosnold. Both SRPEDD and CCC have planning staffs that provide technical assistance to their respective towns and produce regional plans, primarily in the areas of environmental protection and transportation. As an example, SRPEDD developed the Mattapoisett River Watershed Protection Plan for the towns of Rochester, Acushnet, Marion, Mattapoisett, and Fairhaven. Its staff is now supporting the five town effort to regulate activities in the watershed.

A significant new focus on regional planning may be on the horizon for Massachusetts. Since 1986, CCC has taken the lead with an innovative approach to planning for the future of Cape Cod. Through a process of consensus-building, citizens of the Cape identified a need for more effective land-use planning and greater authority to regulate land use, control urbanization, and better manage shared resources. The result was a proposal to create a Cape Cod Commission with certain regulatory and regional powers. In November 1988, 76% of Cape Cod voters supported a nonbinding referendum to establish the Cape Cod Commission. In January 1990, state legislation was passed to create the Cape Cod Commission. This legislation was ratified in a special county-wide election on March 27, 1990, thereby creating the Cape Cod Commission.