

ACECs: Frequently Asked Questions

Q: What is an ACEC?

A: An Area of Critical Environmental Concern (ACEC) is a place in Massachusetts that receives special recognition because of the regional, state, or national significance of its natural and cultural resources and the ecological relationships between them. These areas are identified and nominated at the local level, and designated by the state's Secretary of Energy and Environmental Affairs if they meet ACEC designation criteria. The purpose of the ACEC designation is to preserve, restore, and enhance these exceptional environmental and cultural resources and to promote greater public awareness and stewardship of them. *For information on how to nominate an ACEC see: ACEC Nomination Guidelines.*

Q: What is the benefit of ACEC designation?

A: ACEC designation increases public awareness and provides education about the exceptional ecological and cultural resources within the ACEC, and creates a framework for local and regional stewardship of these resources. ACEC designation provides for a higher level of protection of wetlands and public waterways, and heightened scrutiny in the state environmental review of development projects. It also may give municipalities and other groups priority for funding for projects within ACECs that support resource protection and restoration projects.

Q: Is an ACEC similar to a state park, forest or wildlife refuge, where the government owns and manages the land?

A: No. ACEC designation does not change land ownership or allow public access to private property. Although state parks and wildlife refuges may be part of an ACEC, the private and public lands included in the ACEC boundary are managed by their owners.

Q: How does ACEC designation protect natural and cultural resources?

A: ACEC designation protects natural and cultural resources in basically three ways: 1) through public education and outreach provided first during the nomination review, then via stewardship efforts; 2) higher state environmental standards for development projects within ACECs that impact wetlands, tidelands, Great Ponds and most navigable rivers and streams; and 3) state-coordinated public review with higher scrutiny of development projects within ACECs that require a state permit, state funding, state agency action, or state land transfer. *For more information see: ACEC Program Regulatory Summary, and Guide to State Regulations & Programs Regarding ACECs.*

Q: Is development prohibited in ACECs?

A: No – except in the limited instances described below involving state regulations. The great majority of private land development and management activities must observe local bylaws and regulations only. However, there are several prohibitions or restrictions on specific types of projects, such as:

- New solid waste management facilities are prohibited within ACECs.
- New docks or piers or other water-dependent structures in and along tidelands, Great Ponds, and navigable rivers and streams are prohibited without a locally adopted and

state-approved resource management plan. If an approved resource management plan exists, new docks and piers are eligible for a license if they are consistent with the plan.

- No new fill is permissible in tidelands, Great Ponds, and navigable rivers and streams, except on previously filled tidelands.
- Improvement dredging is permissible only for fishery and wildlife enhancement, while maintenance dredging remains eligible for a permit.

Q: How does ACEC designation affect projects that need wetlands permits?

A: ACEC designation prohibits altering of freshwater Bordering Vegetative Wetlands (BVW), more commonly known as wet meadows, marshes, swamps and bogs, unless the work qualifies as a “limited project” under the Wetlands Protection Regulations. For example, “limited project” status may be granted by the local conservation commission if the only access to upland property is across a wetland. Under these circumstances, the property owner may be allowed to alter some BVW to build the access road if specific performance standards are met.

In coastal wetlands within an ACEC, the performance standard is raised to one of no adverse effect, except for maintenance dredging, where the standard is to “minimize” adverse effects. Under the Wetlands Protection Act, no adverse effect means a project must create only a negligible (i.e., small enough to be disregarded) change to the resource area or to one of its characteristics that has value to one of the interests of the Act, such as storm damage prevention or flood control.

Q: If a proposed development project only needs local permits does ACEC designation affect it?

A: No. A proposed development project within an ACEC that does not require any state permits, state funding, or other state agency action simply proceeds with the local permitting process. However, a local Conservation Commission wetlands permit (Order of Conditions) is based on the state Wetlands Protection Regulations which do have higher standards for projects within ACECs. ACEC designation does not change or supersede local regulations or zoning.

Q: What is the state-coordinated (MEPA) review process and how does it affect development projects in ACECs?

A: In an ACEC, any project that requires a state permit, state funding, state agency action, or state land transfer, except one that consists solely of a single family dwelling or comprises routine maintenance, must file an Environmental Notification Form (ENF) with the state Massachusetts Environmental Policy Act (MEPA) Office. The MEPA office publishes the ENF for public comment, usually for a period of three weeks, during which time the public (individuals, private organizations, and state, federal, regional, and municipal agencies) has the opportunity to comment on the project and its potential environmental impacts. Development projects within ACECs are afforded careful environmental review creating better projects with fewer impacts to natural and cultural resources. As a result of the ENF review, the project proponent may be required to conduct additional environmental impact analysis, or the Secretary of EOEEA may issue a Certificate for the project to go on to the state permitting process.

Q: Who takes care of ACECs?

A: The stewardship of critical ACEC resources is a responsibility shared by all citizens and is most often met when multiple partnerships at different levels work together on a variety of strategies. State agency programs and actions alone cannot successfully preserve and manage the unique ecosystems of ACECs. Some ACECs have stewardship groups that help coordinate education and protection efforts at the local level. These groups are typically volunteer organizations. *For more information see: ACEC Stewardship.*

Q: Who manages the ACEC Program?

A: The Department of Conservation and Recreation (DCR) in Boston administers the ACEC Program on behalf of the Executive Office of Energy and Environmental Affairs.

For more detailed information regarding the ACEC Program, including ACEC maps, resource summaries, and designation documents, as well as the publications mentioned above, please contact ACEC Program staff at the Department of Conservation and Recreation:

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