



# **Building Climate Resilience: Proposed State Regulations on Coastal Development & Nature-Based Solutions**

**Sierra Club Massachusetts - Cape Cod & Islands Third Tuesday Talk**

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Conservation  
Law Foundation

**Deanna Moran**, Vice President of  
Healthy & Resilient Communities

**Ali Hiple**, Senior Policy Analyst



Mass Audubon

**Heidi Ricci**, Director of Policy &  
Advocacy

# Climate Resilience - Coastal and Inland

- Massachusetts is a leader in responding to climate change
  - Net Zero by 2050
  - [ResilientMass Plan](#)
- Major hazards include:
  - Coastal erosion and flooding
  - Flooding from intense precipitation
- Regulatory updates
- Restoration and Nature-based Solutions (NBS)

# What we'll cover

- Resilience 1.0: DEP proposing updates to three major regulatory frameworks
  - Wetlands Protection Act
  - Chapter 91
  - 401 Water Quality Certificate
- What's good about the updates
- What else is needed, and future work
- Additional resources and how to learn more!

# Chapter 91 - The Massachusetts Waterfront Act

- What is Chapter 91 (aka Waterways or Tidelands)?
  - Protects public use of waterfront areas
  - Requires licenses or permits for activity in these areas
- Good changes:
  - License renewal
  - Future sea level rise in extended term licenses and construction standards





# Chapter 91 - The Massachusetts Waterfront Act

- What are we still pushing for?
  - Consideration of sea level rise should go further
  - Reconsider application of fill definition for certain restoration and NBS projects



# MA Wetlands Protection Act

- What is the Massachusetts Wetlands Protection Act?
  - Regulates activity in wetlands, marshes, riverfront areas, floodplains
- Good changes include:
  - Restriction on development in the coastal floodplain
  - Emphasis on nature-based solutions
  - Better stormwater standards and data



# MA Wetlands Protection Act

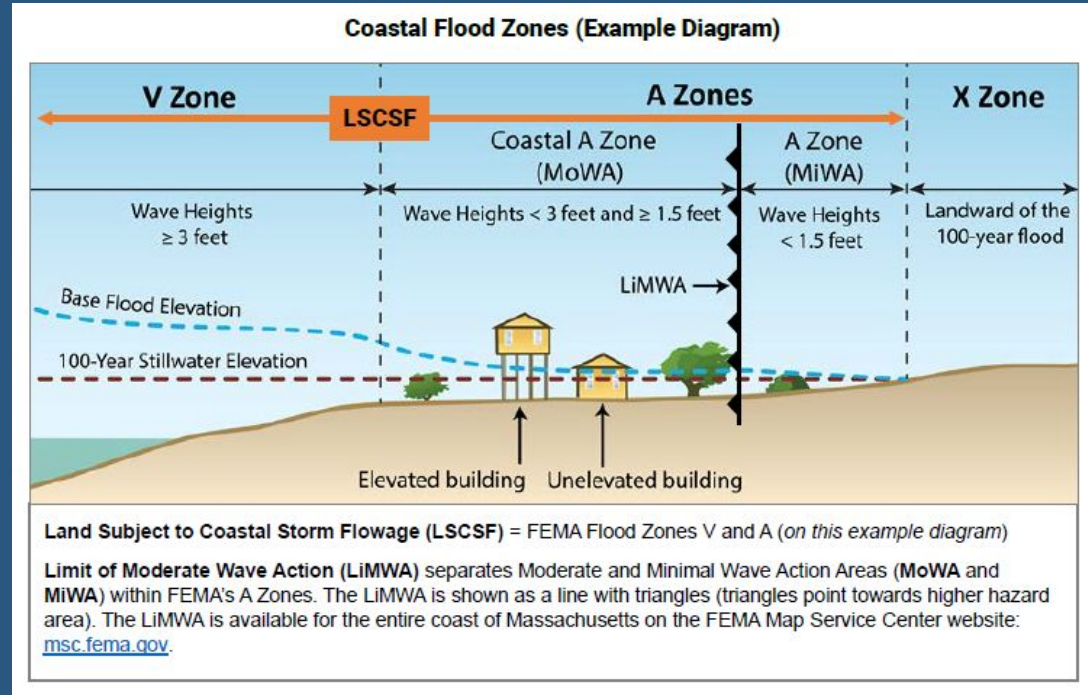
- Land Subject to Coastal Storm Flowage (LSCSF)
  - Coastal floodplain - first time performance standards
  - Where overlaps with other resources those standards still apply
  - Retains restrictions on armoring





# MA Wetlands Protection Act

- Land Subject to Coastal Storm Flowage (LSCSF)
  - No new development in the highest risk area - good!
  - Regulation of activities throughout coastal floodplain
  - Still not considering future flooding



# MA Wetlands Protection Act

- What is still needed?
  - Need to be relying on climate projection data
  - Nature-based solution (NBS) language should be stronger
  - Support for scientific research projects
  - Improved permitting to support restoration and NBS
  - Clarification on protecting existing development and moving roads



# What else is needed

- Resilience 2.0 updates - next opportunity coming to overhaul
- Improved permitting process
- Planning for future conditions: existing infrastructure (roads, etc.) and developed areas, managed retreat, coastal wetland migration



## Also important to note:

- These updates fit into a larger body of work
  - [ResilientCoasts Initiative](#)
- Municipalities have a lot of power!
  - Can go beyond Wetlands Protection Act
- State provides resources and grants (CZM Coastal Resilience grants, Division of Ecological Restoration technical assistance, Municipal Vulnerability Preparedness (MVP) Program grants), maps, data, examples and more at [resilientmass.org](https://resilientmass.org)

# Resources

DEP Regulations - Comment Deadline April 30:

- Wetlands Protection Act:  
[mass.gov/regulations/310-CMR-1000-wetlands-protection-act-regulations](https://mass.gov/regulations/310-CMR-1000-wetlands-protection-act-regulations)
- Chapter 91: [mass.gov/regulations/310-CMR-900-the-massachusetts-waterways-regulation](https://mass.gov/regulations/310-CMR-900-the-massachusetts-waterways-regulation)
- MACC resources  
[maccweb.org/news/663475/12424---Climate-Resilience-Regs-1.0-Comments-Google-Doc.htm](https://maccweb.org/news/663475/12424---Climate-Resilience-Regs-1.0-Comments-Google-Doc.htm)

ResilientMass:

[resilient.mass.gov](https://resilient.mass.gov)

[mass.gov/info-details/resilientcoasts-initiative](https://mass.gov/info-details/resilientcoasts-initiative)



**ResilientCoasts**



# Thank you! Questions?

Heidi Ricci: [hricci@massaudubon.org](mailto:hricci@massaudubon.org)

Deanna Moran: [dmoran@clf.org](mailto:dmoran@clf.org)

Ali Hiple: [ahiple@clf.org](mailto:ahiple@clf.org)



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