



COASTAL ZONE
MANAGEMENT

The Commonwealth of Massachusetts

Executive Office of Environmental Affairs

100 Cambridge Street

Boston, Massachusetts 02202

Jackie -

There are the "salt marsh regs"
from ^{Mass} Wetland Protection Act and
Waterways Act. Give me a call
if they aren't clear

Steve Dineen

11 Jan 85

Superfund Records Center

SITE: New Bedford

BREAK: 4,1

OTHER: 47961

10.31: continued

When a proposed project involves the filling, removing or altering of a rocky intertidal shore, the issuing authority shall presume that such shore is significant to the interests specified above. This presumption may be overcome only upon a clear showing that a rocky intertidal shore does not play a role in storm damage prevention, flood control, protection of marine fisheries, and where there are shellfish, protection of land containing shellfish and if the issuing authority makes a written determination to such effect.*

When a rocky intertidal shore is determined to be significant to storm damage prevention or flood control, the form and volume of exposed intertidal bedrock and boulders are critical to the protection of those interests.

When a rocky intertidal shore is significant to the protection of marine fisheries, water circulation and water quality are critical to the protection of those interests.

(2) Definition. "Rocky Intertidal Shores" means naturally occurring rocky areas, such as bedrock or boulder-strewn areas between the mean high water line and the mean low water line.

(3) When a Rocky Intertidal Shore is Determined to be Significant to Storm Damage Prevention or Flood Control, any proposed project shall be designed and constructed, using the best practical measures, so as to minimize adverse effects on the form and volume of exposed intertidal bedrock and boulders.

(4) When a Rocky Intertidal Shore is Determined to be Significant to the Protection of Marine Fisheries, any proposed project shall be designed and constructed, using best available measures, so as to minimize adverse effects on water circulation and water quality. Water quality impacts include, but are not limited to, other than natural fluctuations in the levels of dissolved oxygen, temperature or turbidity, or the addition of pollutants.

10.32: Salt Marshes

(1) Preamble. Salt marshes are significant to protection of marine fisheries, where there are shellfish, to protection of land containing shellfish, and prevention of pollution and are likely to be significant to storm damage prevention and ground water supply.

A salt marsh produces large amounts of organic matter. A significant portion of this material is exported as detritus and dissolved organics to estuarine and coastal waters, where it provides the basis for a large food web that supports many marine organisms, including finfish and shellfish. Salt marshes also provide a spawning and nursery habitat for several important estuarine forage finfish.

Salt marsh plants and substrate remove pollutants from surrounding waters. The network of salt marsh vegetation roots and rhizomes binds sediments together.

The sediments absorb chlorinated hydrocarbons and heavy metals such as lead, copper, and iron. The marsh also retains nitrogen and phosphorous compounds, which in large amounts can lead to algal blooms in coastal waters.

*For regulations concerning land containing shellfish, see 310 CMR 10.34.

*from
coastal regulation to
the Massachusetts Wetland
Protection Act.*

*same standards (see 10:32(3))
on next page) are in regulation
for waterways/dredging permit.*

10.32: continued

The underlying peat also serves as a barrier between fresh ground water landward of the salt marsh and the ocean, thus helping to maintain the level of such ground water.

Salt marsh cord grass and underlying peat are resistant to erosion and dissipate wave energy, thereby providing a buffer that reduces wave damage.

When a proposed project involves the dredging, filling, removing or altering of a salt marsh, the issuing authority shall presume that such area is significant to the interests specified above. This presumption may be overcome only upon a clear showing that a salt marsh does not play a role in the protection of marine fisheries, prevention of pollution, ground water supply, or storm damage prevention, and if the issuing authority makes a written determination to such effect.

When a salt marsh is significant to one or more of the interests specified above, the following characteristics are critical to the protection of such interest(s):

- (a) the growth, composition and distribution of salt marsh vegetation, (protection of marine fisheries, prevention of pollution, storm damage prevention);
- (b) the flow and level of tidal and fresh water (protection of marine fisheries, prevention of pollution); and
- (c) the presence and depth of peat (ground water supply, prevention of pollution, storm damage prevention).

(2) Definitions.

- (a) "Salt Marsh" means a coastal wetland that extends landward up to the highest high tide line, that is, the highest spring tide of the year, and is characterized by plants that are well adapted to or prefer living in, saline soils. Dominant plants within salt marshes are salt meadow cord grass (*Spartina patens*) and/or salt marsh cord grass (*Spartina alterniflora*). A salt marsh may contain tidal creeks, ditches and pools.
- (b) "Spring Tide" means the tide of the greatest amplitude during the approximately 14-day tidal cycle. It occurs at or near the time when the gravitational forces of the sun and the moon are in phase (new and full moons).

When a salt marsh is determined to be significant to the protection of marine fisheries, the prevention of pollution, storm damage prevention or ground water supply, the following regulations shall apply:

(3) A proposed project in a salt marsh, on lands within 100 feet of a salt marsh, or in a body of water adjacent to a salt marsh shall not destroy any portion of the salt marsh and shall not have an adverse effect on the productivity of the salt marsh. Alterations in growth, distribution and composition of salt marsh vegetation shall be considered in evaluating adverse effects on productivity. This section shall not be construed to prohibit the harvesting of salt hay.

(4) Notwithstanding the provisions of 310 CMR 10.32(3), a small project within a salt marsh, such as an elevated walkway or other structure which has no adverse effects other than blocking sunlight from the underlying vegetation for a portion of each day, may be permitted if such a project complies with all other applicable requirements of these regulations.

(5) Notwithstanding the provisions of 310 CMR 10.32(3), a project which will restore or rehabilitate a salt marsh, or create a salt marsh, may be permitted.