



# WETLANDS REGULATIONS PHASE III COMMUNITY ADVISORY BOARD MEETING #1

*August 12, 2021*

# AGENDA

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- **Introductions**
- **Commitments, Norms, and Goals**
- **Wetlands Protection Ordinance 101**
- **Outreach Discussion**
- **Next Steps**



COMMUNITY ADVISORY BOARD MEETING #1

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# INTRODUCTIONS

A scenic view of a pond with a wooden bridge, surrounded by tall reeds and trees under a blue sky. The text 'INTRODUCTIONS' is overlaid in large white letters on the left side of the image.

# CITY STAFF

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**Reverend Mariama  
White-Hammond**

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*Chief of Environment,  
Energy, & Open Space*



**Alison Brizius**

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*Commissioner,  
Environment  
Department*



**Nick Moreno**

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*Executive Director,  
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**Kate Oetheimer**

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*Conservation  
Assistant*



**Catherine (Cat)  
McCandless**

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*Climate Change &  
Environmental Planning  
Project Manager*

# CONSULTING TEAM

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**LEGAL EXPERTISE**

**ROSE**  

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**LAW PARTNERS LLP**

**GIS MAPPING &  
TECHNICAL EXPERTISE**



**OUTREACH &  
ENGAGEMENT**



# LET'S GET TO KNOW EACH OTHER!

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- **Name**
- **Pronouns**
- **Neighborhood**
- **Occupation and community involvement**
- **What is your favorite urban wild or park in Boston?**
- **What motivated you to participate in this CAB? Why is this topic important to you?**

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# **COMMITMENTS, NORMS, AND GOALS**

A scenic view of a pond with a wooden bridge, surrounded by tall reeds and trees under a blue sky. The text is overlaid on the image.

# OUR COMMITMENT

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As facilitators of the project and the CAB meetings, the Conservation Commission and the project team are committed to creating a safe, transparent, and inclusive space for CAB members to guide this process and inform the content of the final climate resilience and environmental justice regulations and guidelines.

We will strive to set clear expectations, schedule meetings with advanced notice, use accessible language, and serve as a resource to you and the Boston community at large.





# COMMUNITY NORMS

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1. **Assume good intent of your fellow CAB members.** If a harmful comment is made, this is space where you can respectfully let that person know so we can all learn and move forward together.
2. **Your time is valuable.** We will always start and end on time.
3. **Stay engaged** throughout the meeting. In a virtual environment, this means keeping your video on, practicing active listening, and not multitasking.
4. **Step up** (if you're shy) **and step back** (if you're speaking a lot).
5. **If you don't understand something, ask for clarification.** We are all learning together and there is no such thing as a dumb question in this space.
6. **Foster transparency while respecting privacy.** Any information shared outside of the space will be clearly stated and agreed upon by all members of the CAB. Any information shared within this space should always be done with that individual's consent.

Do these norms resonate with you? Are there others that we should add?

## PROJECT GOAL

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Draft regulations, guidelines, and performance standards for the Coastal Flood Resilience Zone, Inland Flood Resilience Zone, Extended Riverfront Area, and climate equity and environmental justice, with clear steps for implementation.



# OUR GOALS FOR THE CAB

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- **Engage representatives of a cross-section of Boston**, both geographically and demographically, in the public rulemaking process;
- **Determine what people most care about** in relation to wetlands and climate resiliency, and how this varies across neighborhoods;
- **Evaluate what kind of public outreach works well**, and how this varies across neighborhoods;
- **Seek feedback from the CAB on drafts of the regulations and guidelines** and any associated materials; and
- **Seek feedback from the CAB on the accessibility of the public process** and how the City can better engage with its constituents regarding wetlands protection and regulations.

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# **WETLANDS PROTECTION 101**

A scenic view of a wetland area. In the foreground, there are tall, thin reeds growing in a shallow, blue body of water. A wooden bridge with railings crosses the water in the middle ground. The background features a line of trees and a clear blue sky. The overall scene is bright and clear.

# WETLANDS 101

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Wetlands are **land areas that contain surface water all or part of the time**, as well as adjacent upland areas (buffer zones).

**Legally the term includes not only areas we typically think of as wetlands**, such as Belle Isle Marsh or the Charles River, **but also** intermittent streams, floodplains, and **other areas that may be dry for a significant portion of the year.**

A buffer zone is the area of land within 100 feet of a wetland. Work in a buffer zone could have an impact on the nearby wetland, depending on the type and location of the work.

More than half of the US' original wetland acreage has been lost to agricultural, commercial, and residential development.

In their natural state, **wetlands provide many ecosystem services**, such as:

- Protection of the public water supply,
- Protection of groundwater,
- Prevention of pollution,
- Flood control,
- Prevention of storm damage,
- Protection of fisheries & land containing shellfish, and
- Protection of wildlife habitat.

# THE MA WETLANDS PROTECTION ACT

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The Massachusetts Wetlands Protection Act (General Laws Chapter 131, §40) protects wetlands, floodplains, riverfront areas, and other areas from alteration.

Under the Act no one may “remove, fill, dredge, or alter” any wetland, floodplain, bank, land under a water body, land within 100 feet of a wetland, or land within 25 feet of a perennial stream or river, without a permit (known as an Order of Conditions) from the Conservation Commission.

In its review of an activity, the Commission is tasked with ensuring that the proposed activity will not impact the “interests” of the Act.

Under the City’s Home Rule authority, the City can supplement the jurisdiction, authority, and procedures of the Conservation Commission, and to protect additional resource areas, for additional values, with additional standards and procedures stricter than those of the Act.

# THE ORDINANCE

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Under the Ordinance, the Commission may establish **stricter standards and protect additional wetland resource areas** than under existing state law.

Specifically, it **extends protection to isolated vegetated wetlands, vernal pools and vernal pool habitat.**

The ordinance also allows the Commission to **develop standards for projects in the floodplain** to ensure future residents are protected from flooding.

Climate change is also a major piece of the Ordinance. The Ordinance allows for:

- Creation of Flood Resilience Zones;
- Development of climate resilience regulations;
- Extension of the Riverfront Area; and
- Development of environmental justice regulations and guidelines.

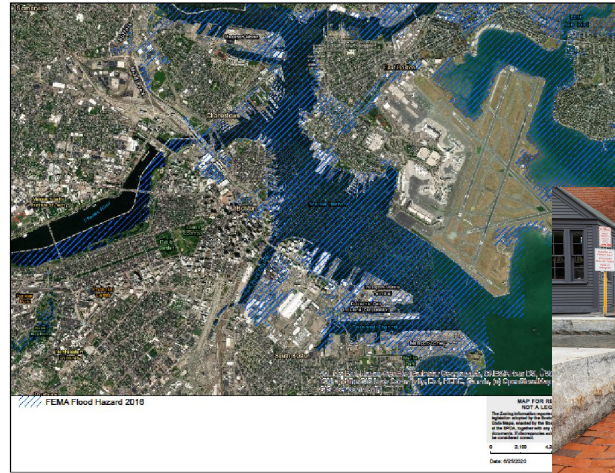
It is important to remember that the **Act & Regulations are the baseline** and that the performance standards **must conform with language in Boston Wetlands Ordinance.**

# PICTURE TIME

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Isolated Vegetated Wetland  
in Roslindale



Land Subject to Coastal Storm  
Flowage (100-year floodplain)



Vernal Pool  
in Allandale Woods



# THE RESOURCE AREA VALUES

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Similar to the “interests” of the Act, the Ordinance establishes a list of resource area values:

- protection of the public or private water supply and quality;
- protection of the public and private groundwater supply and quality;
- short term and long term coastal and stormwater flood control, erosion and sedimentation control;
- storm damage prevention, including coastal storm flowage;
- protection of surface water supply and quality, including water pollution control;
- flood conveyance and storage;
- protection of fisheries, land containing shellfish, wildlife habitat, rare and endangered plant and animal species and habitat, wetland plant habitat, and recreation;
- to protect the health, safety, and welfare of the public; and
- to mitigate impacts from climate change.

# THE PHASED APPROACH TO REGULATIONS

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## PHASE I

### ADMINISTRATIVE & PROCEDURAL

Develop administrative and procedural regulations to:

- Clarify the application and hearing process;
- Establish additional filing requirements and fees; and
- Codify requirements established by the Ordinance.

## PHASE II

### PERFORMANCE STANDARDS

Develop performance standards for:

- Isolated Vegetated Wetlands (IVW);
- Vernal Pools and Vernal Pool Habitat; and
- Land Subject to Coastal Storm Flowage (LSCSF).

## PHASE III

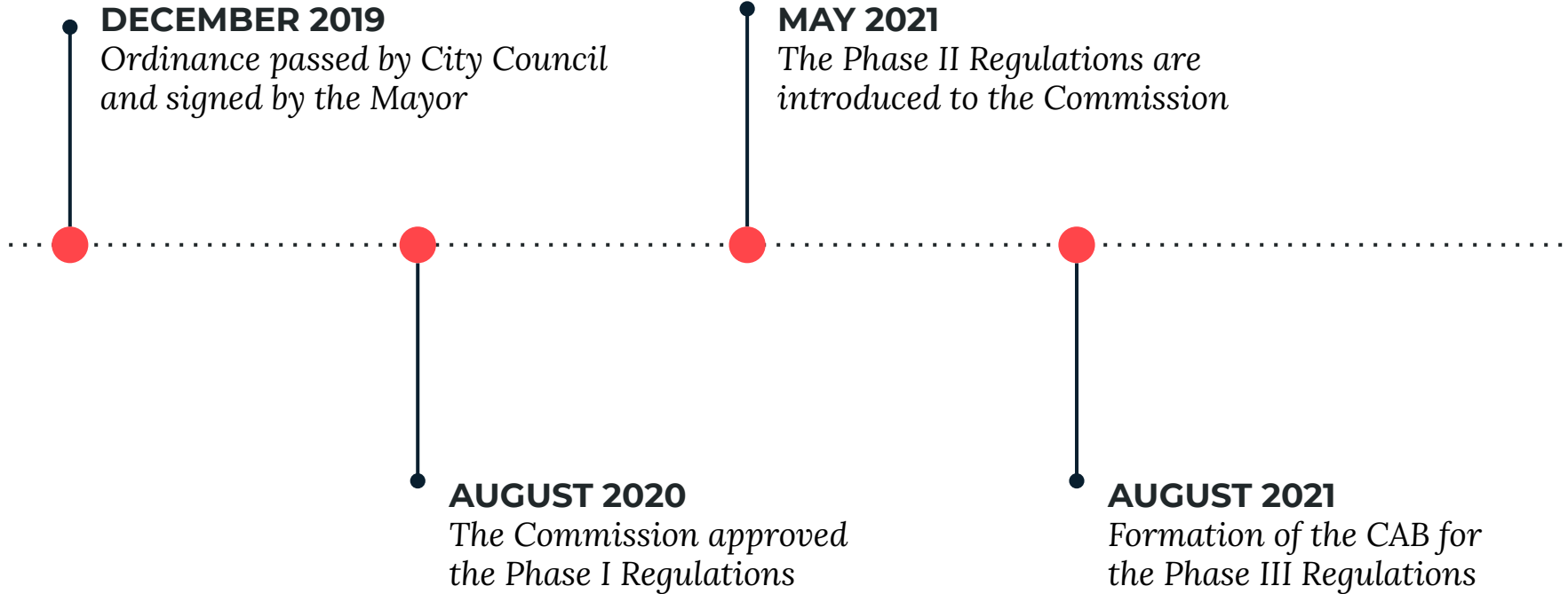
### CLIMATE RESILIENCE & ENVIRONMENTAL JUSTICE

Develop regulations and guidelines for:

- Climate resilience;
- Coastal Flood Resilience Zone (CFRZ);
- Inland Flood Resilience Zone (IFRZ);
- Extended Riverfront Area;
- Climate Equity & Environmental Justice.

# TIMELINE TO DATE

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# THE REGULATION ADOPTION PROCESS

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“The Applicant shall, to the extent applicable as determined by the Commission, **integrate climate change and adaptation planning considerations into their project to promote climate resilience to protect and promote Resource Area Values and functions into the future.**

These considerations include but are not limited to: sea level rise, increased heat waves, extreme precipitation events, stormwater runoff, changing precipitation patterns and changes in coastal and stormwater flooding.”



# COASTAL FLOOD RESILIENCE ZONE (CFRZ)

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The **Coastal Flood Resilience Zone (CFRZ)** is defined in the Ordinance as:

**“The area of land beyond the current boundary of land subject to coastal storm flowage or land subject to tidal action that the Commission determines has a reasonable probability of becoming subject to coastal storm flowage or tidal action due to sea level rise (SLR) within approximately the next 50 years.** The ‘coastal flood resilience zone,’ as delineated on maps adopted by the Commission, may be periodically reviewed and revised by the Commission and may be divided into sub-zones with different regulatory requirements.”

Questions being asked:

- What is the extent of flooding based on the current projections in 2030, 2050, and 2070?
- How should these areas be regulated and to what degree?
- When should regulation of these areas begin?

# INLAND FLOOD RESILIENCE ZONE (IFRZ)

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The **Inland Flood Resilience Zone (IFRZ)** is defined in the Ordinance as:

**“The area of land beyond the current boundary of land subject to flooding that the Commission determines has a reasonable probability of flooding as the strength, duration or frequency of precipitation events increase within approximately the next 50 years.** The “inland flood resilience zone” as delineated on maps adopted by the Commission may be reviewed and revised by the Commission as more accurate information and precipitation projections become available.”

Questions being asked:

- What is the extent of flooding based on the current projections and storm scenarios?
- How should these areas be regulated and to what degree?
- When should regulation of these areas begin?

# EXTENDED RIVERFRONT AREA

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The **Riverfront Area** in Boston is defined in the Ordinance as:

**“The area of land between the mean annual high water line and a parallel line measured twenty-five (25) feet horizontally landward of the mean annual high water line of any river, stream, brook, or creek, except for areas the Commission may designate as Extended Riverfront Areas, in which the Riverfront Area may be extended up to two hundred (200) feet.”**

Questions being asked:

- Where are all of the city’s perennial and intermittent streams?
- What are the land uses 50, 100, 150, and 200 feet from the stream?
- Where does it make sense to extend the Riverfront Area?



“The Commission may issue regulations and guidelines addressing climate equity and environmental justice for inclusion within the Climate Change Resilience planning considerations, consistent with the intent and provisions of this Ordinance.

The Commission shall issue regulations and guidelines **only after** public notice, public hearing and **direct engagement with residents and neighborhoods that may be adversely affected by disparate impacts of climate change.”**



# CLIMATE RESILIENCE

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The City is preparing for:

- 9 inches of Sea Level Rise (SLR) by 2030;
- 21 inches of SLR by 2050; and
- 40 inches of by 2070.

Existing documentation provides a framework for the City's interest in regulating proposed projects subject to future flood risk (specifically the 1% annual chance flood risk in the year 2070 with 40" of sea level rise) within "the next, roughly, fifty years," as referenced in the Ordinance.

In addition to SLR, the Ordinance also requires a consideration of:

- Extreme heat;
- The timing, frequency, intensity, and amount of precipitation;
- Storm surges;
- Increased intensity or frequency of storm events or extreme weather events; and
- Frequency, intensity, and duration of droughts.

# CLIMATE EQUITY & ENVIRONMENTAL JUSTICE

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Climate equity and environmental justice is a common theme throughout the Ordinance. The scope for this project is intended to include:

- Developing guidelines and regulations that promote climate equity and environmental justice as they relate to proposed projects; and
- Incorporating environmental justice in the development of the regulations through public engagement and outreach in partnership with the City and CAB.

Environmental justice includes both substantive and procedural considerations. The project team has reviewed existing materials that contain:

- Substantive strategies;
- Stakeholder engagement anecdotes; and
- Considerations meant to promote environmental justice and protect communities that are disproportionately impacted as a result of extreme weather events and other impacts of climate change.

# WETLANDS PROTECTION 101 - Q&A

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**QUESTIONS? LET'S DISCUSS!**

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# **OUTREACH DISCUSSION**

A scenic view of a pond with a wooden bridge, surrounded by tall reeds and trees under a blue sky. The text is overlaid on the top left of the image.

# OUTREACH GOALS

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## EDUCATION

To convey projected future flood risk analysis information, environmental justice issues, and the importance of wetlands to empower community members to generate ideas

## VISIONING

To facilitate visioning about what the community wants to see incorporated into the regulations and guidelines to expand the Commission's ability to protect wetlands

## PRIORITIZATION

To understand the community's prioritization of the core values that will apply to the Climate Resilience and Environmental Justice Regulations and Guidelines

# DISCUSSION QUESTIONS

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- **What does your community care about in the context of wetlands?**
- **What is your personal community connector superpower?**
  - For example: I love to meet new people; I'm good at organizing events; I have a strong social media presence; I have a large network; etc.
- **As a representative of your community, what kind of outreach works and does not work?**
- **What resources do you need from us to be equipped to conduct engagement in your community?**

# JOIN EASYRETRO

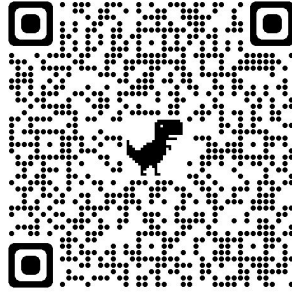
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## FROM YOUR COMPUTER:

<https://tinyurl.com/WPO3CAB1>

*Link will be shared in the chat!*

## FROM YOUR MOBILE DEVICE:



1. Open your phone's camera;
2. Hover your camera over the QR code;
3. Select a question;
4. Click the + sign
5. Type your response!

## NEED ANOTHER OPTION?

Type in the chat or unmute yourself and we will add your response to EasyRetro for you!



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## NEXT STEPS

A scenic view of a pond with a wooden bridge, surrounded by tall reeds and trees under a blue sky. The text 'NEXT STEPS' is overlaid on the left side of the image.

# NEXT STEPS

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- **CAB MEETING #1 Post-Meeting Survey** → <https://forms.gle/WXCzfYAA1KHR2PXH9>
- **CAB MEETING #2 → To be scheduled in September**
  - During the second CAB meeting, we will discuss environmental justice as it relates to the Wetlands Protection Ordinance and review draft outreach materials prepared by the Project Team.
- **City and Consultant Team next steps**
- **CAB next steps and information sharing**
- **Any final thoughts or questions?**

A blue-tinted photograph of a forest path. The path is dirt and leads into a dense forest of tall, thin trees. The ground is covered in leaves and fallen branches. The text "THANK YOU!" is overlaid in white, bold, sans-serif font in the center of the image.

**THANK YOU!**