



August 20, 2026

Lisa Rhodes, Wetlands Program Chief
MassDEP-BWR
100 Cambridge Street, Suite 900
Boston, MA 02114

Via Email: dep.wetlands@mass.gov

Attn: **Wetlands-401 Ecological Restoration Comments**

Dear Wetlands Program Chief Rhodes:

The undersigned organizations submit the following comments in support of the proposed Ecological Restoration Streamlining changes to the Wetlands Protection Act (WPA) (310 CMR 10.00) and 401 Water Quality Certification (310 CMR 9.00) regulations. These proposed changes also include

streamlining for unpaved trails in the Buffer Zone and Riverfront Area. We support the majority of the proposed revisions and offer suggestions for further refinements to meet the goals of streamlining beneficial wetland ecological restoration projects and improving access to nature while protecting wetlands and water resources.

Overview Comments

Massachusetts has long been a leader in wetlands protection, and in recent decades has increasingly focused on restoring coastal and inland wetlands impacted by a long history of ditching, filling, and hydrologic alterations. The ResilientMass Plan, Biodiversity Goals, and other state plans and initiatives recognize this as a priority. Healthy wetlands are vitally important for fish and wildlife habitat, clean water and water supplies, flood protection, and climate resilience. The scope of need for restoration is extensive, including thousands of obsolete dams and inadequate culverts; thousands of acres of salt marsh with ditches and embankments causing subsidence, erosion and marsh dieback; former cranberry bogs presenting opportunities to restore whole coastal stream systems and provide corridors for future marsh migration; and invasive plants displacing natural habitats across the state.

We appreciate the progress that is being made, and we are committed to continuing to work collaboratively with DEP and the other agencies to speed up restoration and reduce costs so that the pace of work can meet the scope of need and funding for these projects can be utilized efficiently.

Specific Comments

Wetlands Protection Act – 310 CMR 10.00

310 CMR 10.11-14 Ecological Restoration Projects (ERP)

Support:

- Proposed reorganization and clarification of these provisions, including allowing multiple ERP types at a location to be combined into one application.
- Addition of four new ERP types – cranberry bog restoration; invasive plant removal; salt marsh runnel, ditch remediation and marsh mounds; and salt marsh thin layer placement.

Add public access features within ERPs: Many restoration projects, notably dam removals and cranberry bog restoration projects, often include public access features such as trails, overlooks or boat launches. The ERPs should allow such features without bumping the project into the ERP Limited Project process.

We support the inclusion of references to guidance documents like the salt marsh restoration guidance, including allowing for future updates.

The open-ended requirement to comply with any comments from Coastal Zone Management (CZM) needs to be clarified. There should be a clear procedure and timeline for CZM to comment, and any comments should be connected to the ERP eligibility criteria, conditions and guidance document requirements. Projects should not be delayed indefinitely while awaiting CZM input.

310 CMR 10.02(2)(b)2. Minor Activities – Exemptions in Buffer Zone and Riverfront Area

We support allowing these activities, within set eligibility criteria, under standard conditions and without the need to file for a permit:

- Invasive plant removal
- Diseased or damaged tree removal
- Construction and maintenance of unpaved trails

After the Mass Ready Act passes, DEP will have the authority to further update the regulations to allow some activities, such as these, within wetland resource areas through additional minor project exemptions, simple conservation commission approval, or via Determinations with Conditions. We look forward to providing input on those procedures.

314 CMR 9.00 – 401 Water Quality Certification

314 CMR 9.02 - Definition of Dredging

We support excluding:

- Salt marsh restoration
- Hand-pulling aquatic plants

314 CMR 9.03 – Activities Not Requiring an Application

We support adding ERP Limited Projects

Further Streamlining in 2027

The pending Mass Ready Act environmental bond bill ([H.5518/S.3064](#), *An Act to build resilience for Massachusetts communities*) will authorize DEP to implement additional streamlining. The bill includes several provisions for streamlining including new local administrative approvals, Determinations with Conditions, and General Permits (GPs) under the WPA and GPs under Chapter 91. We look forward to the next round of regulatory reforms implementing those provisions to further improve the regulatory process for beneficial restoration projects.

We appreciate the thoughtful conversations that are occurring across the environmental agencies and in consultation with restoration practitioners. Thank you for considering these comments.

Sincerely,

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