



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

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Significant Drought Affecting Riverfront Area and Pond Observations for Purposes of the Massachusetts Wetlands Protections Act Regulations August 19, 2020

On August 13th, 2020, Secretary Theoharides declared a Level 2 – Significant Drought in all seven EEA drought regions - Western, Connecticut River Valley, Central, Northeast, Southeast, Cape Cod, and the Islands. Note that the August 13th declaration is in addition to prior declarations made by the Secretary, on June 24, and July 10th, 2020. This means the date the drought commenced for Wetlands regulatory purposes is different in each Region of the State, as explained below. Note that the EEA Drought Regions do not coincide with the MassDEP Regional Office Boundaries.

Effective Date of Extended Drought for Purposes of the Wetlands Protection Act Regulations:

For the Western, Connecticut River Valley, Central, and Northeast EEA Drought Regions: For any Notices of Intent (NOI) or Abbreviated Notices of Resource Area Delineation (ANRAD) filed on or after **June 24, 2020**, observation of rivers that have ceased flowing made on **May 1, 2020** and thereafter, may not be used to prove a perennial river is an intermittent stream with no Riverfront Area since drought conditions exist.

For the Cape Cod EEA Drought Region: For any NOI or ANRAD filed on or after **July 10, 2020**, observation of rivers that have ceased flowing made on **June 1, 2020** and thereafter, may not be used to prove a perennial river is an intermittent stream with no Riverfront Area since drought conditions exist.

For the Southeast and Islands EEA Drought Regions: For any NOI or ANRAD filed on or after **August 13, 2020**, observation of rivers that have ceased flowing made on **July 1, 2020** and thereafter, may not be used to prove a perennial river is an intermittent stream with no Riverfront Area since drought conditions exist.

Explanation: The Wetlands Protection Act regulations at 310 CMR 10.58(2)(a)1.f. define drought as a period determined by the Massachusetts Drought Management Task Force, as established by the Executive Office of Energy and Environmental Affairs, to be at the "Advisory" or more severe drought level. The "Level 1 – Mild Drought" designation replaces the "Advisory" level drought, which is specified at 310 CMR 10.04 (Definition of Pond) and 310 CMR 10.58(2)(a)1.f. (Riverfront Area). Drought for purposes of the Riverfront Area and Pond Observations will remain in effect until such time as the Secretary issues a written statement declaring that water resource conditions have returned to normal, ending the drought. The written statement declaring the conclusion of the drought will be posted at the Massachusetts Executive Office of Energy and Environmental Affairs web site.

The Commonwealth of Massachusetts' Monthly Drought Status Map is on the web at:

<https://www.mass.gov/service-details/current-drought-status>

This information is available in alternate format. Contact Michelle Waters-Ekanem, Director of Diversity/Civil Rights at 617-292-5751.

TTY# MassRelay Service 1-800-439-2370

MassDEP Website: www.mass.gov/dep

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The list of municipalities in each EEA Drought Region is on the web at: <https://www.mass.gov/doc/maps-of-ma-drought-regions-with-lists-of-cities-and-towns/download>

The full text of the August 13th, 2020 press release with the drought declaration and the drought map is on the web at: <https://www.mass.gov/news/significant-drought-conditions-declared-across-massachusetts>