



**MA Department of Conservation and Recreation
Bureau of Planning, Design, and Resource Protection
Best Management Practices**

3/2015

Compliance with WPA - *Massachusetts Wetlands Protection Act*

Contact: *Nancy Putnam, Ecology Program Director*
nancy.putnam@state.ma.us or (617) 626-1394

Jorge J. Ayub, Coastal Ecologist
jorge.ayub@state.ma.us or (617) 626-1434



Goal: Compliance with WPA for the conservation of wetlands, waterways, floodplains, and riparian resource areas while conducting routine or periodic maintenance and management activities.

Summary

The WPA identifies 8 interests of the Commonwealth that are served by protecting certain areas and by regulating certain activities; a Notice of Intent must be submitted for any activity that will remove, fill, dredge or alter an Area Subject to Protection. Mass Department of Environmental Protection develops regulations and policies that are administered and enforced by municipal Conservation Commissions per the Home Rule amendment. Coastal and inland resource areas are presumed to be significant to private and public water supply, ground water supply, flood control, storm damage and pollution prevention, and protection of land containing shellfish, fisheries and wildlife habitat.

WPA regulations (310 CMR 10.00) define the resource areas, establish procedures for the permit process, and define standards required for permits to be issued. WPA protects not only vegetated wetlands, but also coastal and inland banks and lands subject to flooding (100-year floodplains), riverfront area (land within 200 feet of perennial streams), and land under water bodies and waterways, salt ponds, fish runs and the ocean. Most Areas Subject to Protection need to be delineated on-site by a skilled wetland scientist or ecologist. Floodplains are typically based on FEMA maps.

DCR staff must take all measures to avoid any alterations to coastal and inland wetland, floodplain, or riparian resource areas.

Prior to conducting a management, restoration, or construction activity or project on DCR property, it's important to determine if the site is within jurisdiction of the WPA. Please contact the appropriate DCR contact listed above for assistance with any questions on jurisdiction and environmental permitting.

Regulatory exemptions that may apply:

- Maintenance, repair, or replacement of existing public utility and communication structures, provided impacts to resource areas are avoided or minimized;
- Maintenance of existing lawns and of actively landscaped areas;

Minor Activities in Riverfront Area or Buffer Zones (outside of wetlands) may be exempt:

- Maintenance including milling, paving, patching, but NOT widening, of existing paved roads;
- Fencing, provided it will not constitute a barrier to wildlife movement; including stonewalls;
- Vista pruning, provided it is more than 50 feet away from a stream bank or from a wetland;
- Plantings of native species of trees, shrubs, or groundcover, excluding creation of new lawn;
- Conversion of impervious to vegetated surfaces, provided erosion/sedimentation controls are implemented and adequate;
- On-site sewage disposal systems in existence on August 7, 1996 and the repair or upgrade of existing systems in compliance with Regulations 310 CMR 15.000;
- Surveying activities, wetland delineations, and environmental assessments provided that clearing and soil alterations are minimized or avoided.

Trail Improvement and Maintenance: Contact Paul.Jahnige@state.ma.us for guidance;

Activities that are subject to review and permitting under WPA Regulations if in regulated resource areas or their Buffer Zones:

- Bike Path or Parking Area improvement projects;
- Dirt road maintenance or improvement projects;
- Installation and replacement of culverts within or near a stream or wetland;
- Maintenance of dams, docks, and beaches;
- Ecological restoration within regulated resource areas or Buffer Zones.

Recommendations for Project Planning: Plan ahead & contact Ecology Program for guidance

- Design projects to avoid, minimize and mitigate impacts to natural vegetation & habitats

WPA Filing and Permitting Process: Contact Ecology Program for assistance

Request for Determination: for minor projects or activities within the Buffer Zone and to establish if an activity is regulated or if an exemption applies:

1. Submit form, legal notice or fee, map of area, project plans, and description to Conservation Commission (copy to DEP Regional Office)
2. Attend Public Meeting with local Conservation Commission
3. Within 21 days, Commission will issue a Determination or a response to the Request.

Notice of Intent: for larger projects close to and/or in regulated resource areas

1. Submit all required information, including forms, fees, locus map, plans, & description of work
2. Notify abutters, and submit copies to NHESP, DEP, and/or DMF per requirements
3. Attend Public Hearing, usually held within 21 days
4. Conservation Commission will issue an Order of Conditions to approve project if it complies with WPA Regulations.