

Ecological Restoration Streamlining Regulations

Massachusetts Wetlands Protection Act Regulations
(310 CMR 10.00)

Water Quality Certification Regulations
(314 CMR 9.00)

Information Session
July 29, 2026



Proposed Wetlands Regulations Updates

1. 2026 - Wetlands Ecological Restoration Streamlining Regulations

- Subject of Today's Info Session.

2. 2023 - Wetlands Resilience Regulations (Draft Published December 22, 2023)

- The proposed draft Wetlands and Waterways Regulations and the Stormwater Handbook are currently under internal review.

3. 2027 - Mass Ready Act and Wetlands "MassReady" Regulations

- Mass Ready Act is still under review by legislature
- Wetlands Regulation Revisions to follow in 2027 and include:
 - Changes to streamline administrative processes
 - Additional ecological restoration and nature-based solution projects
 - Other changes including 401 streamlining



Ecological Restoration Streamlining Amendments

Wetlands Protection Act Regulations Highlighted Sections with Changes *310 CMR 10.00*

10.02 Minor Activities

10.04 Definitions

10.11-10.14 Ecological Restoration Projects
(i.e., general permits)

10.24 Ecological Restoration Limited
Projects

10.53 Ecological Restoration Limited
Projects

10.55 Bordering Vegetated Wetlands

10.58 Riverfront Area

Water Quality Certification Regulations Highlighted Sections with Changes *314 CMR 9.00*

9.02 Definitions

9.03 Activities Not Requiring an Application

9.06 Criteria for the Evaluation of
Applications for discharge of Dredged or Fill
Material



Proposed Ecological Restoration Streamlining Amendments:

Wetland Protection Act Regulations Amendments (310 CMR 10.02)

10.02(2)(b)2. - Minor Activities (no filing for work in Buffer Zone, Riverfront Area)

a. Construction of Unpaved trails

(up to 30 inches (private) or 3 feet wide (public), provided greater than 50 feet from BVW, MAHW)

b. Maintenance of Unpaved trails

(up to 30 inches (private) or 6 feet (public), within existing footprint, mowing no more than 12 inches on either side)

s. Removal of Invasive Plants*

(hand or mechanized hand-held equipment, no trees more than 6 inches dbh, area replanted or stabilized within one growing season, limited herbicide use)

t. Diseased or Damaged Tree Removal*

(no more than 3 diseased or damaged per parcel or ROW, provided greater than 10 feet from resource area, no disturbance to soils more than root ball)

* This minor activity does not apply to vegetation cutting for roadway safety maintenance



Proposed Ecological Restoration Streamlining Amendments:

Wetland Protection Act Regulations Amendments (310 CMR 10.04)

10.04 – Definitions

- 401 Water Quality Certification
- Invasive Plants
- Native Plants
- Retired Cranberry Bog Restoration
- Salt Marsh Ditch Remediation
- Salt Marsh Habitat Mounds
- Salt Marsh Runnels
- Salt Marsh Thin Layer Placement



Proposed Ecological Restoration Streamlining Amendments:

Wetland Protection Act Regulations Amendments (310 CMR 10.11-14)

Two Permitting Pathways for Ecological Restoration (ER)

1. Ecological Restoration Projects (i.e., general permits) – 310 CMR 10.11-14
2. Ecological Restoration Limited Projects 310 CMR 10.24 and 10.53

310 CMR 10.11 – 10.14 Ecological Restoration (ER) Projects (i.e., general permits)

Streamlined permitting process for wetland restoration projects *whose purpose is restore or otherwise improve wetlands that have been degraded or destroyed by anthropogenic influences*

- Projects need Restoration Order of Conditions (ROOC)
- Many ER Projects will not need an individual 401 Water Quality Certification, unless dredging 100 cubic yards (if not in ORW) – See WQC Regulations
- Many projects will have streamlined MEPA process – See MEPA Regulations
- Issuing Authority only confirms general procedures and eligibility criteria and issues a Restoration Order of Conditions (no additional conditions)
- Appeals limited to general procedures and eligibility only



Proposed Ecological Restoration Streamlining Amendments:

Wetland Protection Act Regulations Amendments (310 CMR 10.11-14 Cont.)

Specific revisions to sections 10.11 through 10.14:

- 10.11 – Includes general information, overview, clarifications
(*e.g., can have more than one project type in one application*)
- 10.12 – Eliminate redundant requirements & prior approvals
(*e.g., requirement to provide evidence of timely mailing, approval before ROOC*)
- 10.13 – General & Project Specific Eligibility Criteria and 10.14 Conditions
(*new and revised projects*)



Proposed Ecological Restoration Streamlining Amendments:

Wetland Protection Act Regulations Amendments (310 CMR 10.11-14 Cont.2)

310 CMR 10.13 -10.14 Existing Ecological Restoration Projects

- Dam Removals- (minor changes to add flexibility)
- Freshwater Stream Crossing Repair and Replacement (new hydraulic design flows to be met to MEP)
- Stream Daylighting (added culvert removal)
- Tidal Restoration
- Rare Species Habitat Restoration
- Restoration of Fish Passageways

10.13 – 10.14: Four new project types:

- Retired Cranberry Bog Restoration
- Invasive Plant Removal
- Salt Marsh Runnel, Ditch Remediation, and Marsh Mound Habitat
- Salt Marsh Thin Layer Placement



Proposed Ecological Restoration Streamlining Amendments

Wetland Protection Act Regulations Amendments (310 CMR 10.00)

Freshwater Stream Crossing Repair and Replacement Ecological Restoration Project

Highlights of Eligibility Criteria:

- designed to meet the hydraulic design flood, as indicated in Table 1., to the maximum extent practicable

Highlights of Conditions:

- as-built plan and/or a written statement from a professional engineer

The baseline design flood table has also been included in the Water Quality Certification Regulations Amendments (314 CMR 9.00)

Road or Highway Functional Classification	Baseline Design Flood
Interstate or Limited Access Highway	100-year flood
Rural Principal & Minor Arterial, Urban Principal Arterial	50-year flood
Rural Collector (Major), Urban Minor Arterial Street, & Urban Collector	25-year flood
Rural Collector (Minor), Rural Local Road, & Urban Local Street	10-year flood
Driveways with stream watersheds less than or equal to 0.5 square miles	5-year flood
Driveways with stream watersheds greater than 0.5 square miles	10-year flood
Rail Trails and Pedestrian Crossings	10-year flood
Railroad Crossings	At a minimum the 10-year flood



Proposed Ecological Restoration Streamlining Amendments

Retired Cranberry Bog Restoration

Assisting the ecological recovery of a formerly cultivated cranberry bog by restoring natural physical, chemical, and biological processes, primarily through hydrological changes, and removal or mitigation of ecological stressors to achieve functional and sustaining aquatic habitats, such as wetland and riverine systems. It does not include restoration of agricultural functions.

Highlights of Eligibility Criteria:

- reuse excavated material onsite, unless approved
- consult with MassDEP Water Management Act program
- if removal of levee, dike, or dam, no FERC licensing or amendment
- written determination or permit from the DCR Office of Dam Safety if structure removal



Highlights of Conditions:

- as-built plans and post-construction summary and photographs



Proposed Ecological Restoration Streamlining Amendments

Invasive Plant Management

The removal of plants identified as Invasive Plants in Massachusetts to improve wetland functions and contribute to Interests of the Act.

Highlights of Eligibility Criteria:

- minimize disturbance to native plants
- no work in open water (no aquatic)
- no permanent alteration to topography or wetland hydrology
- no expansion of lawns, planting beds, or recreational uses

Highlights of Conditions:

- avoid vehicle crossing and protect soils
- obtain WM04, if necessary
- no herbicide within 25 feet of wetland or waterway if no WM04 permit



Proposed Ecological Restoration Streamlining Amendments

Salt Marsh Runnel, Ditch Remediation, and Habitat Mounds

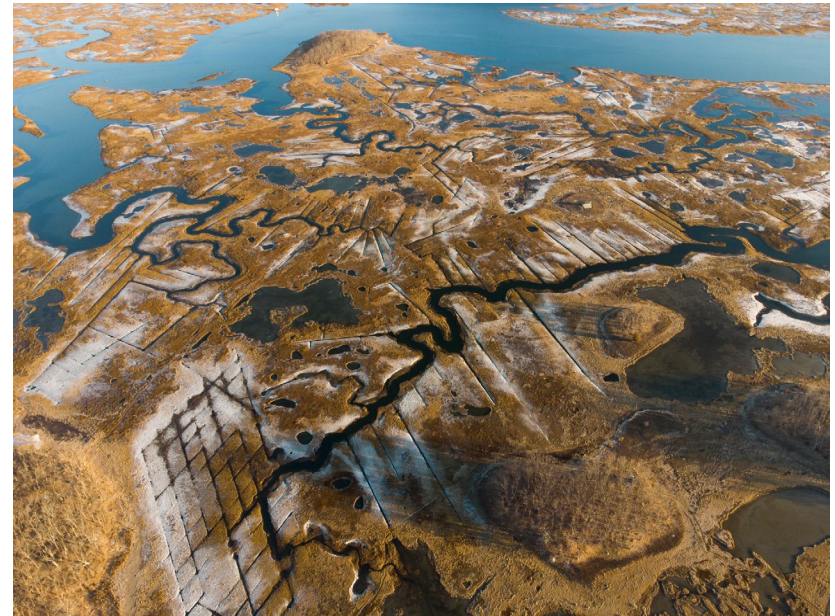
A Salt Marsh restoration technique that involves the excavation of shallow channels to drain water from the marsh platform, placement of salt marsh hay to facilitate sediment accretion and the regrowth of vegetation, and the onsite mounding of excavated material to provide nesting habitat for Saltmarsh Sparrows or other native species.

Highlights of Eligibility Criteria:

- provide evidence of salt marsh degradation
- consistent with MassDEP guidance
- keep material onsite to be beneficially reused
- review by CZM
- no new, relocated, changed water control device

Highlights of Conditions:

- written conditions from CZM, if applicable
- avoid compaction, protect stability of SM
- as-built and monitoring



Runnels are shallow channel excavations to drain impounded water and improve natural marsh processes.



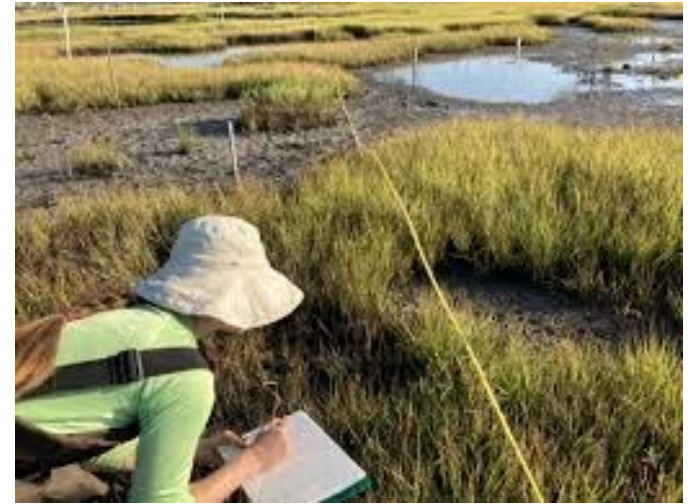
Proposed Ecological Restoration Streamlining Amendments

Salt Marsh Thin Layer Placement

The intentional placement of thin layers of compatible dredged materials, sediment, or soil on a Salt Marsh to achieve a target elevation or thickness to enhance, restore, or otherwise improve the natural capacity of the Salt Marsh to protect and sustain the Interests Identified in M.G.L. c. 131, § 40, when such interests have been degraded or destroyed.

Highlights of Eligibility Criteria:

- consistent with MassDEP Guidance
- PE Stamp if change in hydrologic or hydraulic conditions
- demonstrate the Salt Marsh is degraded (e.g., has subsided)
- demonstrate the fill material is suitable for the restoration site
- limit of 5000 cy, 6 inches thick
- provide a desktop due diligence for non-dredged material (*dredged material evaluated through 401*)



Highlights of Conditions:

- written conditions from CZM, if applicable
- avoid compaction, protect stability of SM
- as-built and monitoring

Thin Layer Placement is a targeted approach to address Salt Marsh subsidence, drowning, or excessive ponding, and the subsequent degradation of ecological functions.



Proposed Ecological Restoration Streamlining Amendments

Ecological Restoration Limited Project (10.24(8) or 10.53(4))

- Issuing Authority may use discretion in applying performance standards
- 401 Water Quality Certification may not be required (unless dredging > 100 cy, ORW)
- MEPA review will likely be required
- Order of Conditions, additional conditions can be added

If the project type is listed in 10.13:

- Meet general eligibility in 10.13(1)
- Demonstrate specific eligibility requirements met or provide supporting documentation if any cannot be met
- Meet other requirements of limited projects and performance standards (unless waived)

If NOT a project type in 10.13:

- Meet general eligibility in 10.13(1)
- Meet other requirements of limited projects and performance standards (unless waived)



Proposed Ecological Restoration Streamlining Amendments

310 CMR 10.55 (2) and (4) Bordering Vegetated Wetlands

- Update plant list to 2020 list
- Align methodology with BVW delineation handbook
 - detail on vegetation assessment (e.g., estimating or measuring percent cover)
 - assess soil characteristics to determine if hydric soils
 - assess other indicators of hydrology (e.g., iron deposits)
- Replacement areas shall minimize loss of mature trees and canopy
- Soils in replacement areas shall replicate soils in impacted wetland (e.g., depth to water table)

310 CMR 10.58 (2) Riverfront Area

- Documented field observations shall be made within 3 years prior to filing



Proposed Ecological Restoration Streamlining Amendments

Water Quality Certification Amendments (314 CMR 9.00)

314 CMR 9.02 - Definition of Dredging

- exclude hand-pulling of aquatic plants

314 CMR 9.03 – Activities Not Requiring an Application

- add Ecological Restoration Limited Projects

314 CMR 9.06 – Criteria for the Evaluation of Application for Discharge of Dredged or Fill Material

- replacement stream crossings - meet the hydraulic design flood to the MEP
- eliminate variance requirement for temporary utility impacts in Class A surface water provided area is restored, including replanting trees



Thank You

Links to Proposed Regulations

[310 CMR 10.00: Wetlands Protection Act Regulations | Mass.gov](#)

[314 CMR 9: 401 Water Quality Certification | Mass.gov](#)

Public Hearings - Monday, August 10, 2026

Advanced Registration is Required

1:00 PM – Public Hearing

https://us06web.zoom.us/meeting/register/y_5Y5cg6TBG41Qwc437kVQ

6:00 PM – Public Hearing

<https://us06web.zoom.us/meeting/register/uXlfkUaqRJ67lplAggERVA>

Written comments will be accepted through 5:00 pm on August 20, 2026.

Questions:

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