

LIST OF ABBREVIATIONS

ACEC	Area of Critical Environmental Concern
ANRAD	Abbreviated Notice of Resource Area Determination
BLSF	Bordering Land Subject to Flooding
BVW	Bordering Vegetated Wetland
CE	Categorical Exclusion - Prepared Under NEPA
CH 91	Chapter 91 Waterways License or Permit
CMR	Code of Massachusetts Regulations
DEP	Massachusetts Department of Environmental Protection
DOA	Determination of Applicability
DOI	Department of the Interior
EA	Environmental Assessment - Prepared Under NEPA
EEA	Executive Office of Environmental Affairs
EIR	Environmental Impact Report - Prepared Under MEPA
EIS	Environmental Impact Statement - Prepared Under NEPA
EJ	Environmental Justice
ENF	Environmental Notification Form - Prepared Under MEPA
EPA	United States Environmental Protection Agency
FA	Federal Aid
FHWA	Federal Highway Administration
FONSI	Finding of No Significant Impact
ILSF	Isolated Land Subject to Flooding
JP	Joint Processing Meeting (USACE, EPA, National Marine Fisheries, MCZM, U.S. Fish & Wildlife)
LW	Land Under Water
LWCFA	Land and Water Conservation Fund Act
MA SHPO	Massachusetts State Historic Preservation Officer
MGP's	Section 404 Massachusetts General Permits
MCZM	Massachusetts Coastal Zone Management
MEPA	Massachusetts Environmental Policy Act
MESA	Massachusetts Endangered Species Act
MGL	Massachusetts General Law
MHC	Massachusetts Historic Commission
MOA	Memorandum of Agreement
NEPA	National Environmental Policy Act
NFA	Non Federal Aid
NHESP	Massachusetts Natural Heritage & Endangered Species Program
NOI	Notice of Intent
NPS	National Park Service
NR	National Register
OOC	Order of Conditions
ORAD	Order of Resource Area Determination
PCN	Pre-Construction Notification
RDA	Request for Determination of Applicability
RFA	Riverfront Area
ROD	Record of Decision
SOOC	Superseding Order of Conditions
STURAA	Surface Transportation & Uniform Relocation Assistance Act of 1987
SV	Self Verification
SWPPP	Storm Water Pollution Prevention Plan
USACE	United States Army Corps of Engineers
USCG	United States Coast Guard
WPA	Wetlands Protection Act
WQC	Water Quality Certificate

FILING/PERMIT APPLICATION	COMMON REGULATORY THRESHOLDS
ANRAD	Required when seeking approval of BVW boundary lines prior to proposing work or designing a project.
USCG Permit	Required for work in commercially navigable (includes historic usage) or tidal waterways where there is a change in the hydraulic opening of the bridge.
	STURAA Approval may be granted to coastal bridge projects with federal funds allocated towards construction where the navigational opening remains unchanged and where vessels 21 feet or greater do not pass under the bridge.
Categorical Exclusions	Actions that do not individually or cumulatively have a significant social, economic, or environmental effect are excluded from the requirement to prepare an EA or EIS.
CH 91 License	Projects subject to the Bridge Exemption are exempt from CH 91.
	Maintenance projects are exempt from CH 91. Maintenance and repair include, among other things, the following activities: (a) replacement of old pilings, decking, or rip-rap, all with material of the same dimensions and quality and in the same locations and elevations as that authorized in the license; (b) repaving of road surfaces, installation of road curbs and lighting, replacement of railroad track, stabilization of road or rail beds, reconstruction of culverts and catch basins, and other maintenance or repair of existing public transportation facilities and associated drainage systems, as necessary to preserve or restore the serviceability of such facilities for the original use, provided that maintenance and repair shall not include the substantial enlargement of such facilities, such as roadway widening, adding shoulders, or upgrading substandard intersections;
	CH 91 applies to all waterways including Great Ponds (10 or more acres in size), the Connecticut River, sections of the Westfield River, non-tidal portions of the Merrimack River and any non-tidal river or stream on which public funds have been expended for stream clearance, channel improvement, or any form of flood control or prevention work, either upstream or downstream within the river basin, except for any portion of any such river or stream which is not normally navigable during any season by any vessel including a canoe etc. and work in all filled tidelands except landlocked tidelands and all filled lands lying below the natural high water mark of Great Ponds.
	Activities requiring a license include any construction, placement, excavation, addition, improvement, replacement, reconstruction, demolition or removal of any fill or structures, not previously authorized.
CH 91 Permit	Activities requiring a permit include beach nourishment and dredging within jurisdictional areas.
	Lowering the water level of a Great Pond.
Environmental Assessment	An EA is prepared when there is uncertainty as to the significance of the impacts of the project. If, at any time, a significant impact is identified, an EIS must be prepared.
ENF	Bridge projects subject to the Bridge Exemption are exempt from MEPA.
	Widening 4 feet or more for a half mile or more.
	Cutting 5 or more mature living public shade trees (not trees within State Highway Layout) 14" or more in diameter @ breast height.
	Altering bank or terrain 10 ft or more from the edge of pavement for 1/2 mile or more except for the installation of structures such as sidewalks, drainage systems, etc.
	Any Project of ½ or more acres within a designated ACEC.
	Altering 5,000 SF or more of BVW or IVW.
	Eliminating 300 linear feet of stone wall.
	Creation of 5 or more acres of impervious area.
	Direct alteration of 25 or more acres of land.

	Conversion of land in active agricultural use to nonagricultural use.
	Conversion of land held for natural resources purposes in accordance with Article 97 unless the conversion will not result in a change in use or the transfer of land is less than 2,500 square feet, and the Secretary of Environmental Affairs accepts a request to waive or modify the land requirement of An Act Preserving Open Space In the Commonwealth (Ch. 274 of the Acts of 2022, codified at M.G.L. c. 3, §. 5A). For further information regarding the waiver request process, see EEA's Guidance on Public Lands Preservation Act Implementation (February 2023)
	Construction of 300 or more new parking spaces at a single location.
EIR	Projects that exceed one or more ENF thresholds and are within 1 mile of an Environmental Justice (EJ) population.
	Projects that exceed one or more ENF thresholds and will impact air quality and are within 5 miles of an EJ population.
	Constructing a new road 2 or more miles in length.
	Widening an existing road by 1 or more travel lanes for 2 or more miles.
	New interchange on a completed limited access highway.
	Requiring a variance from the WPA.
	Altering 1 or more acres of Salt Marsh or BVW.
	Altering 10 or more acres of other wetlands.
	Altering 50 or more acres of land.
	Creating 10 or more acres of impervious area.
Environmental Impact Statement	When the proposed action will have a significant impact on the environment, an EIS is required.
MCZM Concurrence	<p>Federal consistency review is required for most projects that are in or can reasonably be expected to affect a use or resource of the Massachusetts coastal zone and/or require federal licenses or permits, receive federal funds, or are a direct action of a federal agency.</p> <p>Work in water within the coastal zone when at least a Preconstruction Notification or a Coast Guard Permit is required. Also, will require concurrence when MEPA thresholds are triggered.</p>
NOI	Projects subject to the Bridge Exemption are exempt from WPA.
	WPA filing is required when proposing direct activity in or impact to resource areas subject to protection, including BVW, LUW, Bank, RFA, BLSF, ILSF, etc. or significant alteration of buffer & Riverfront Area.
NPDES	The National Pollution Discharge and Elimination Systems Program is administered by EPA and requires the filing of an NOI and the preparation of a SWPPP for projects involving construction project with 1 or more acres of earth disturbance.
Self-Verification Notification Form (SVNF) – Section 404	Refer to USACE MA General Permits.
Preconstruction Notification – Section 404	Refer to USACE MA General Permits.
Individual USACE Section 404 Permit	Refer to USACE MA General Permits.

De minimis 4(f)	A de minimis impact involves the use of Section 4(f) property that is generally minor in nature. A de minimis impact is one that, after taking into account avoidance, minimization, mitigation and enhancement measures, results in no adverse effect to the activities, features, or attributes qualifying a historic property, park, recreation area, or refuge for protection under Section 4(f).
Programmatic 4(f)	Programmatic 4(f) Evaluations & Approvals for FHWA Projects that Necessitate the Use of an Historic Bridge.
Section 6(f) of the Land and Water Conservation Fund Act (LWCFA)	Section 6(f) of this act prohibits the conversion of property acquired or developed with these grants uses other than public outdoor recreation without the approval of the Department of the Interior's (DOI) National Park Service (NPS). In Massachusetts, DOI has delegated most review, consultation and assessment of Section 6(f) impacts and conversions to the Executive Office of Environmental Affairs (EEA). When acquisition is required, Section 6(f) directs DOI to assure that replacement lands of at least equal fair market value and of reasonably equivalent usefulness and location are provided as a condition of such conversions. Consequently, where conversions of Section 6(f) lands are proposed for highway projects, replacement lands are required. When dealing with Section 6(f) areas, it is critical to determine if the properties were acquired or improved with the LWCFA funds, and if so, the specifics of the improvements or property acquisition.
RDA	Required when work/activity will occur within 100 feet from the edge of BVW, LUW, Bank, etc. or sometimes within Riverfront Area especially 100-200 feet from a perennial stream or river.
Reevaluation	<p>The FHWA must assure that the environmental documentation for the proposed action (CE, EA/FONSI, EIS/ROD) is still valid, prior to proceeding with major project approvals or authorizations.</p> <p>When reevaluating CEs- A written re-evaluation will be prepared when there is a change in the Project limits, a change in the Project's scope, or unforeseen conditions, resulting in the potential to induce impacts that were not previously considered in the CE.</p> <p>A written re-evaluation will be prepared if three (3) years pass between any major steps to advance the action (e.g. authority to undertake final design, authority to acquire a significant portion of the right-of-way, or approval of the plans, specifications and estimates) after the approval of a CE or a prior re-evaluation by FHWA or by MassDOT. Typically, the scope of this type of reevaluation will address any developments in legislative or regulatory authorities.</p>
SWPPP	As of March 1, 2003, any construction project resulting in earth disturbance of 1 or more acres must file a NOI and a SWPPP concurrently with EPA in accordance with the NPDES requirements. The SWPPP is generally a list of best management practices to be used during construction in order to control erosion and sediment transport.
WQC	<p>If under 5,000 SF of cumulative impacts, WQC is considered automatic with the issuance of an OOC if project does not trigger an individual WQC.</p> <p>Over 5,000 SF of cumulative impacts.</p> <p>Over 100 c.y. of dredging.</p> <p>Any 401 jurisdictional impacts associated with Bridge Projects that are exempt from the WPA.</p> <p>Fill within a wetland in an ORW.</p> <p>Any work requiring an Individual USACE permit.</p>
Variance from the WPA	<p>Non Limited projects with over 5,000 SF of impacts to BVW.</p> <p>Direct impacts to salt marsh or work within 100 feet of a salt marsh that will directly impact the salt marsh.</p>

LAW/REGULATION	ADMINISTRATIVE AGENCY	FILING	PERMIT/ACTION	AGENCY REVIEW TIME BEFORE ACTION/ISSUING PERMIT UNLESS OTHERWISE NOTED
State				
Wetlands Protection Act (WPA) <i>Wetlands Protection Act (MGL Ch 131 § 40)</i> <i>Wetlands Protection Regulations (310 CMR 10.00)</i>	Local Conservation Commissions	RDA	DOA	30 to 60 days (average)*
		ANRAD	ORAD	30 to 60 days (average)*
		NOI	OOC	30 to 60 days (average)*
	DEP	Appeal	SOOC	6 to 12 months (average)
		Appeal for Variance	SOOC	12 months (average)**
Massachusetts Environmental Policy Act (MEPA) <i>Massachusetts Environmental Policy Act (MGL Ch 30 § 61- 62h)</i> <i>MEPA Regulations (301 CMR 11 . 00)</i> <i>(* Projects that exceed ENF thresholds and are within 1 mile of an Environmental Justice (EJ) population or that will impact air quality and are within 5 miles of an EJ population)</i> <i>(EJ Populations based on certain demographic criteria set forth in An Act Creating a Next Generation Roadmap for MA Climate Policy).</i>	EEA/MEPA Unit	ENF	Secretary's Certificate or Scope	30 days from date published in the Monitor
		Draft & Final EIR	Secretary's Scope/Certificate	1+ Years from the Certificate on the ENF
		Expanded ENF	Secretary's Scope/Certificate	37 days from date published in the Monitor
		Rollover EIR	Secretary's Certificate	37 days from date published in the Monitor
		Single EIR	Secretary's Certificate	4 to 9 months from the Certificate on the Expanded ENF
Public Waterfront Act (Chapter 91) <i>Public Waterfront Act (MGL Ch 91)</i> <i>Waterways Regulations (310 CMR 9 . 00)</i>	DEP	Waterways License Application	Waterways License	4 to 9 months (average)
		Waterways License	Minor Modification	2 to 4 months (average)
		Waterways Permit Application	Waterways Permit	3 to 4 months (average)
Massachusetts Endangered Species Act (MESA) <i>Massachusetts Endangered Species Act (321 CMR 10.00)</i>	MA Natural Heritage & Endangered Species Program	Project Checklist	Review	14 days
		Conservation & Management Permit	Review	30 days^
Federal				
National Environmental Policy Act (NEPA) <i>NEPA of 1969, as amended (Pub . L. 91-190, 42 U. S.C. 4321-4347, January 1, 1970, as amended by Pub. L. 94-52, July 3, 1975, Pub. L. 94-83, August 9, 1975, and Pub. L. 97-258, § 4(b), Sept. 13, 1982)</i> <i>NEPA Regulations (40 CFR 1500-1508), TA 6640 . 8</i> <i>Reevaluation</i>	FHWA	CE	Concurrence	4 to 6 weeks (average)
		EA	FONSI	1 to 2 years (average)
		EIS	ROD	2 to 4 years (average)
		Reevaluation	Concurrence	1 to 6 months (average)
Army Corps of Engineers Permitting (404 Permit) <i>Section 404 of the Federal Clean Water Act (33 U . S . C . 1251 et seq.)</i> <i>Section 10 of the Rivers & Harbors Act of 1899 (33 U . S . C . 401, 403) Applies to Non Bridge Structures in Navigable Waters.</i>	USACE/JP Meeting	Project Impact Documentation	SV	1 day to 1 month (average)
		Letter to USACE & Preconstruction Notification	PCN	3 months (average)
		Individual Permit Application	Individual Permit	3 to 6 months (average)

<u>LAW/REGULATION</u>	<u>ADMINISTRATIVE AGENCY</u>	<u>FILING</u>	<u>PERMIT/ACTION</u>	<u>AGENCY REVIEW TIME BEFORE ACTION/ISSUING PERMIT UNLESS OTHERWISE NOTED</u>
US Coast Guard <i>Coast Guard Bridge Permit (1 . 33 U . S . C . 401, 491 et seq . 511 et seq . , 525 et seq . , and 535 , and Acts of Congress authorizing the construction of bridges , including international bridges)</i> <i>Various Memoranda of Understanding & Guidance Documentation</i>	USCG	Project Impact Documentation	Letter of Permission	30 days (average)
	USCG	Bridge Permit Application	Bridge Permit	9 to 12 months (average)
	FHWA	STURM Approval Request	STURAA Approval	30 days (average)
Section 4(f) of the Department of Transportation Act <i>Section 4(f) (49 USC 303)</i> <i>Section 4(f) 23 CFR ch 1 § 771.135</i> <i>Various Memoranda of Understanding</i>	FHWA	Programmatic 4(f) Documentation	Programmatic 4(f) Approval	30 days (average)
	Lead Federal Agency	Individual 4(f) Documentation	Individual 4(f) Approval	4 to 6 months (average)
Section 6(f) of the Land and Water Conservation Fund Act (LWCFA) <i>Section 6(f) – (36 CFR 59.3)</i>	FHWA, EEA	Individual 6(f)	Individual 6(f) Approval	2 to 6 months (average)
National Pollutant Discharge Elimination System <i>Water Pollution Control Act Amendments of 1972 (The Clean Title 40 of the CFR at Part 122, 64 CFR 68722</i>	EPA	NOI & SWPPP %	Construction Permit	Contractor to File 48 Hours Prior to Construction
Federal & State				
Water Quality Certification (WQC) <i>Federal Clean Water Act (33 U.S.C 1251 et seq.)</i> <i>Massachusetts Clean Waters Act (MGL ch 21 §§ 26-53)</i> <i>401 Water Quality Certification (314 CMR 9.00)</i> <i>Massachusetts Surface Water Quality Standards (314 CMR 4.00)</i>	DEP	Individual WQC Application for Major or Minor Projects	WQC	120 or 150 days (minimum)
		NOI & Under 5,000 s.f. of impact (No work in ORW, etc.)	Automatic w/OOC	See WPA
Coastal Zone Consistency Review ~ <i>Federal Coastal Zone Management Act 16 (U.S.C. 1452, Sec. 303 (1) and (2))</i> <i>Massachusetts Office of Coastal Zone Management (MGL ch 21A, § 4A)</i> <i>Coastal Zone Management Program Federal Consistency Review Procedures (301 CMR 21.00)</i>	MCZM	Through ENF or EIR Processes	Concurrence Determination	See MEPA Review Times
		Through USACE SVNF	Automatic Concurrence with MCZM Policies	Same as SV Timeline
		Through USACE PCN	May Need Individual Concurrence/Depends on Project Impacts and JP Meeting	Same as PCN Timeline
		Individual Concurrence Letter	Concurrence Determination	Up to 180 Days
Historic and Archaeological Review <i>Federal Section 106 Review: National Historic Preservation Act of 1966, as amended (54 U.S.C. 306108) (36 CFR Part 800)</i>	FHWA/USACE	MA SHPO	No Historic Properties Affected	30-60 days
			No Adverse Effect to Historic Properties	90-120 days
			Adverse Effect to Historic Properties	120-180 days

TABLE NOTES

NOTE 1: Add 2 to 3 months to all the above timeframes to account for internal review and preparation.

NOTE 2: All above timeframes can be extended by the permitting/review agencies if additional information is requested.

* Add 30 to 60 days if work will occur within an Estimated Habitat of Rare Wildlife.

** The determination resulting from appeal would be a "final decision of the Commissioner."

^ Timelines are in accordance w/ MA Division of Fisheries & Wildlife and MassDOT Interagency Service Agreement

~ MCZM thresholds are the same as MEPA, USACE and CG thresholds. MCZM reviews projects during the MEPA, USACE, and CG permitting processes and determines if the project is consistent with the Massachusetts State Coastal Policies. Review times are dependent on the issuance of state permits. MCZM can only issue concurrence after all state permits have been issued.

% Construction Contractor is Responsible for Preparing & Filing Documents and Obtaining this Permit for Projects

FHWA's 2004 Section 106 Programmatic Agreement authorizes MassDOT Cultural Resources Unit to review and clear projects not affecting historic properties in-house, with no resource agency review.

Assumes documentation of consultation with local historical commission has been included in effect finding package and 30 day MA SHPO review period.

Assumes documentation of consultation with local historical commission has been included in effect finding package. Assumes 30 day MA SHPO review period; additional time to consult with interested parties; FHWA/USACE review and processing of documentation; and ratification of MOA amongst relevant parties.