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## MassDEP Comments on 301 CMR 11.00 Amendments

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From Bower, Sarah E (DEP) <Sarah.E.Bower@mass.gov>

Date Mon 11/10/2025 4:54 PM

To MEPA-regs (EEA) <MEPA-regs@mass.gov>; Kim, Tori (EEA) <tori.kim@mass.gov>

Cc Rhodes, Lisa (DEP) <lisa.rhodes@mass.gov>; Jones, Timothy M (DEP) <Timothy.M.Jones@mass.gov>; Wu, Christina Y (DEP) <Christina.Y.Wu@mass.gov>

Dear Ms. Kim:

On behalf of the Wetlands Program at MassDEP, I am submitting the following comments (#1-3 below) on the proposed amendments to the MEPA Regulations at 301 CMR 11.00. Thank you for the opportunity to review and for the consideration of our comments.

1. Pertaining to 301 CMR 11.01(2)(c)1.c., MassDEP would like clarification on how the alteration thresholds of 5 acres and 10 acres of previously undeveloped land were determined. MassDEP also requests 301 CMR 11.01(2)(c)1.c. consider a no-net-loss of wetlands carbon in addition to the carbon resources already listed. We recommend adding the following text in redline to 301 CMR 11.02(3)(c)1.c.: “To satisfy this 301 CMR 11.01(2)(c)1.c., no portion of the Project site shall include any land where projected total ecosystem carbon stocks for the Project site are in the top quintile statewide, as defined by the United States Forest Service’s National Forest Carbon Monitoring System, Total Ecosystem Carbon in 2070 data layer, or a comparable data source that the Secretary may adopt through guidance; any high carbon wetlands including forested Bordering Vegetated Wetland, Salt Marsh, or eelgrass bed; any designated priority habitat [...].”
2. Regarding the following language, *For the purposes of 301 CMR 11.01(2)(c)1.d., redevelopment means replacement, rehabilitation, or expansion of existing structures, improvement of existing roads or reuse of degraded or previously developed areas*, MassDEP recommends that “expansion of existing structures,” “improvement of existing roads,” “degraded,” and “previously developed areas” be defined. We note that some of these terms are in the wetlands regulations at 310 CMR 10.00 and we offer to meet and discuss further.
3. 301 CMR 11.01(2)(c)2. says “demonstrates the absence of off-site flood impacts on adjacent properties and infrastructure.” Does MEPA plan to develop guidance on how this should be demonstrated by applicants? MassDEP is currently developing guidance for Land Subject to Coastal Storm Flowage to explain how proponents should demonstrate that a project will not redirect coastal flood water to adjacent properties or channelize flow. We welcome collaboration with MEPA on this topic if it makes sense to do so. MassDEP’s guidance would be directed towards conservation commissioners and consultants to evaluate if proposed projects will result in any adverse impacts to adjacent properties.

Sincerely,

Sarah Bower

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