



- General permitting for ecological restoration projects.
- For example: *dam removal, stream daylighting, shellfish habitat restoration, fish passage, removing tidal restrictions (WPA)*

Benefits of a General Permit

- Provides incentives to undertake restoration
 - Improves speed and predictability of Orders of Conditions
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- Identifies key issues for review and information development
 - Projects eligible for General Permits are exempt from MEPA
 - Order of conditions serves as the Water Quality Certification

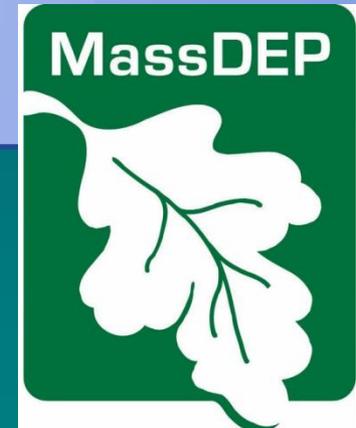
Eligibility Criteria for all Restoration Projects

- Project will benefit at least one of the interests of the Act
- Avoid and minimize adverse impacts
- Utilize erosion control BMPs
- No significant effect on flood impacts to the built environment
- No impacts to vernal pools or ORWs
- No armoring of barrier beaches or dunes

Stream Crossing Standards Maximum Extent Practicable

- At a minimum, in evaluating the potential to comply with the standards to the maximum extent practicable the applicant shall consider site constraints in meeting the standard, undesirable effects of risk in meeting the standard and the environmental benefit of meeting the standard compared to the cost by evaluating the following:
 - The potential for downstream flooding;
 - Upstream and downstream habitat (in-stream habitat, wetlands);
 - Potential for erosion and head-cutting;
 - Stream stability;
 - Habitat fragmentation caused by the crossing;
 - The amount of stream mileage made accessible by the improvements;
 - Storm flow conveyance;
 - Engineering design constraints specific to the crossing;
 - Hydrologic constraints specific to the crossing;
 - Impacts to wetlands that would occur by improving the crossing;
 - Potential to affect property and infrastructure; and
 - Cost of replacement.

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Public Comments

- Better protect water withdrawals for agriculture and water supply against loss of reservoir following dam removal
- Significant concern expressed related to the reuse of contaminated dredged sediment in ACECs for ecological restoration projects.
- MassDEP changed the draft to clarify the applicable standards for reuse of contaminated dredged sediments by eliminating Sediment Management Plan and requiring applicant to obtain a WQC compliant with MCP standards



Buffer Zone Minor Activity Exemptions

- *- Public Comments*



- A stakeholder advisory group included: Massachusetts Audubon Society, MACC, NAIOP Massachusetts, the Homebuilders Association of Massachusetts, MassDOT Highway Division, National Grid (representing the electric and natural gas utilities), and wetlands consultants and scientists.

- Commentors were concerned about the complexity of pre-condition eligibility criteria;

- e.g. wetland boundary demarcation, erosion control barriers, and conducting work in specified ways

- Challenging oversight required of the conservation commissions;

- Difficulty of meeting eligibility requirements and demonstrating project's exempt status.



- *Response to comments*



- MassDEP simplified the requirements by creating narrative standards;

- Less detailed than the originally proposed eligibility criteria

- Standards designed retain obligation to remain protective of the wetland resource areas.

