

Implementing Restoration Regulations

Beth Lambert, Division of Ecological Restoration,
Department of Fish and Game

Lealdon Langley, Wetlands and Waterways Program,
MassDEP

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General permitting for ecological restoration projects.
*dam removal, stream daylighting, stream crossings, 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
- 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 for projects involving fill, but not dredging

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 or to the built environment
- No impacts to vernal pools or ORWs
- No armoring of barrier beaches or dunes

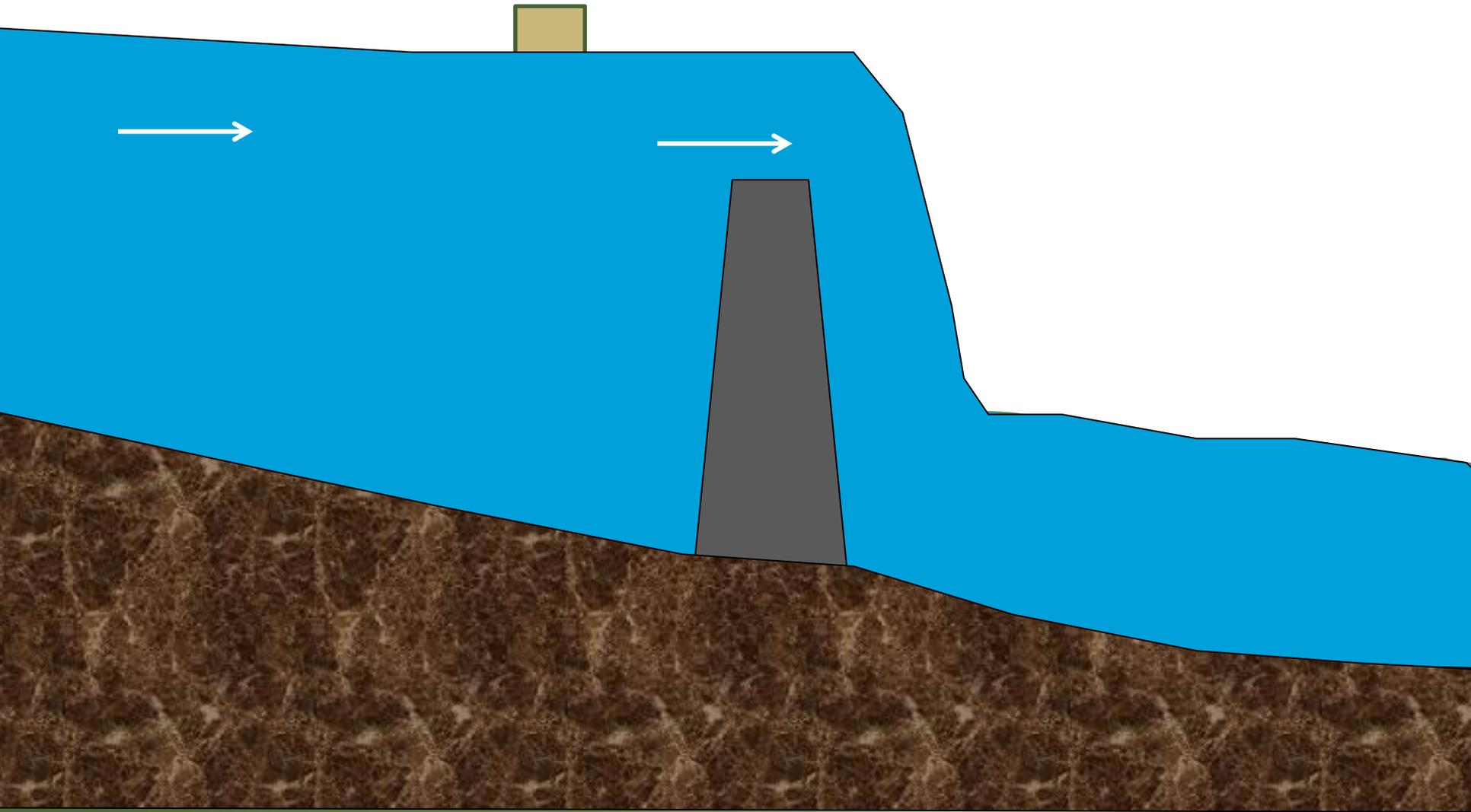
Public Comments

- 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

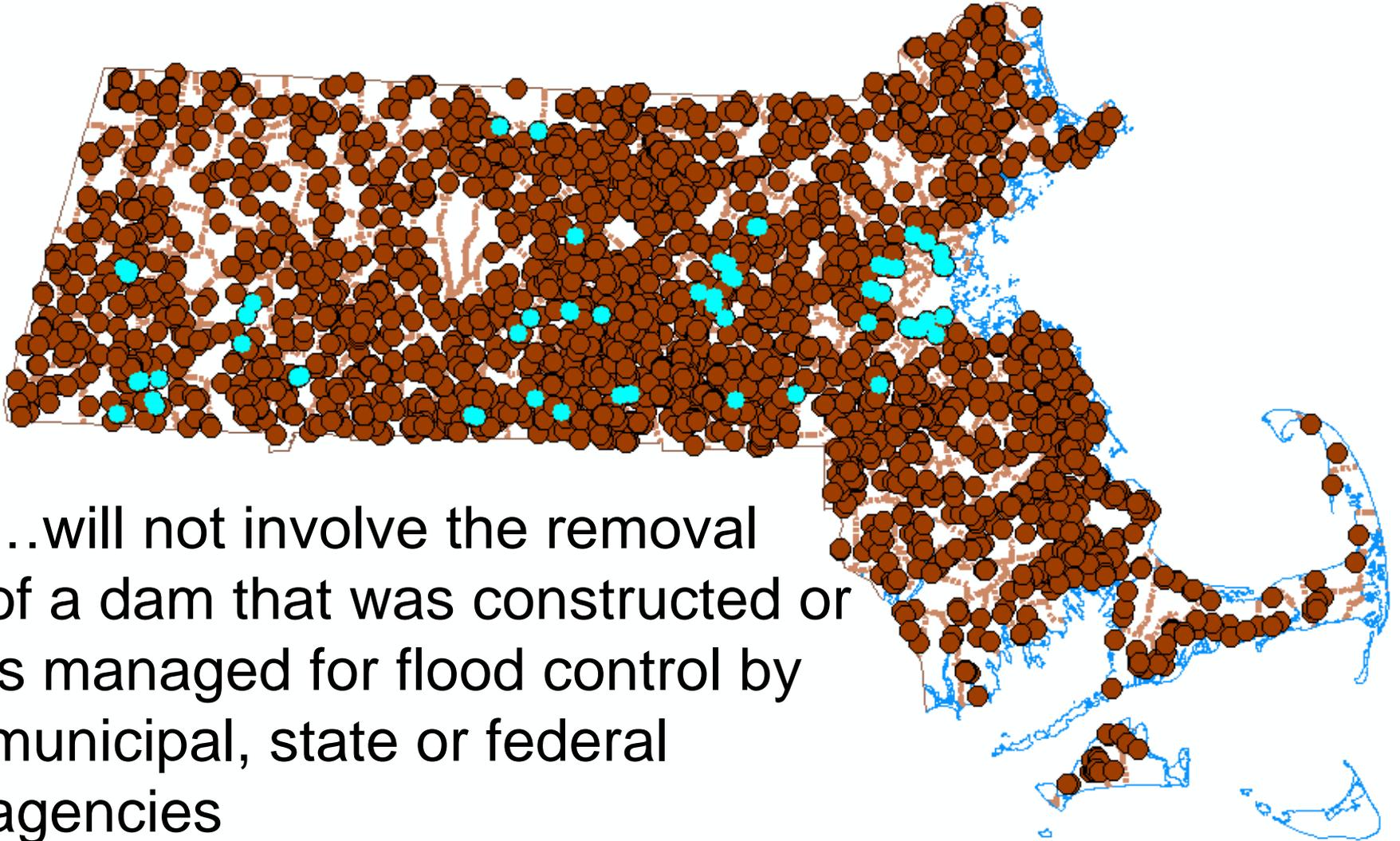
Eligibility Criteria: Purpose

- Focus review on project elements that lead to ecological success
- Screen out the projects that need more review
- Address common questions / concerns of neighbors and commissions up front

Conversion from impoundment to river won't affect wells or water intakes



Project won't cause flooding*



...will not involve the removal of a dam that was constructed or is managed for flood control by municipal, state or federal agencies

* Applies to all ecological restoration projects

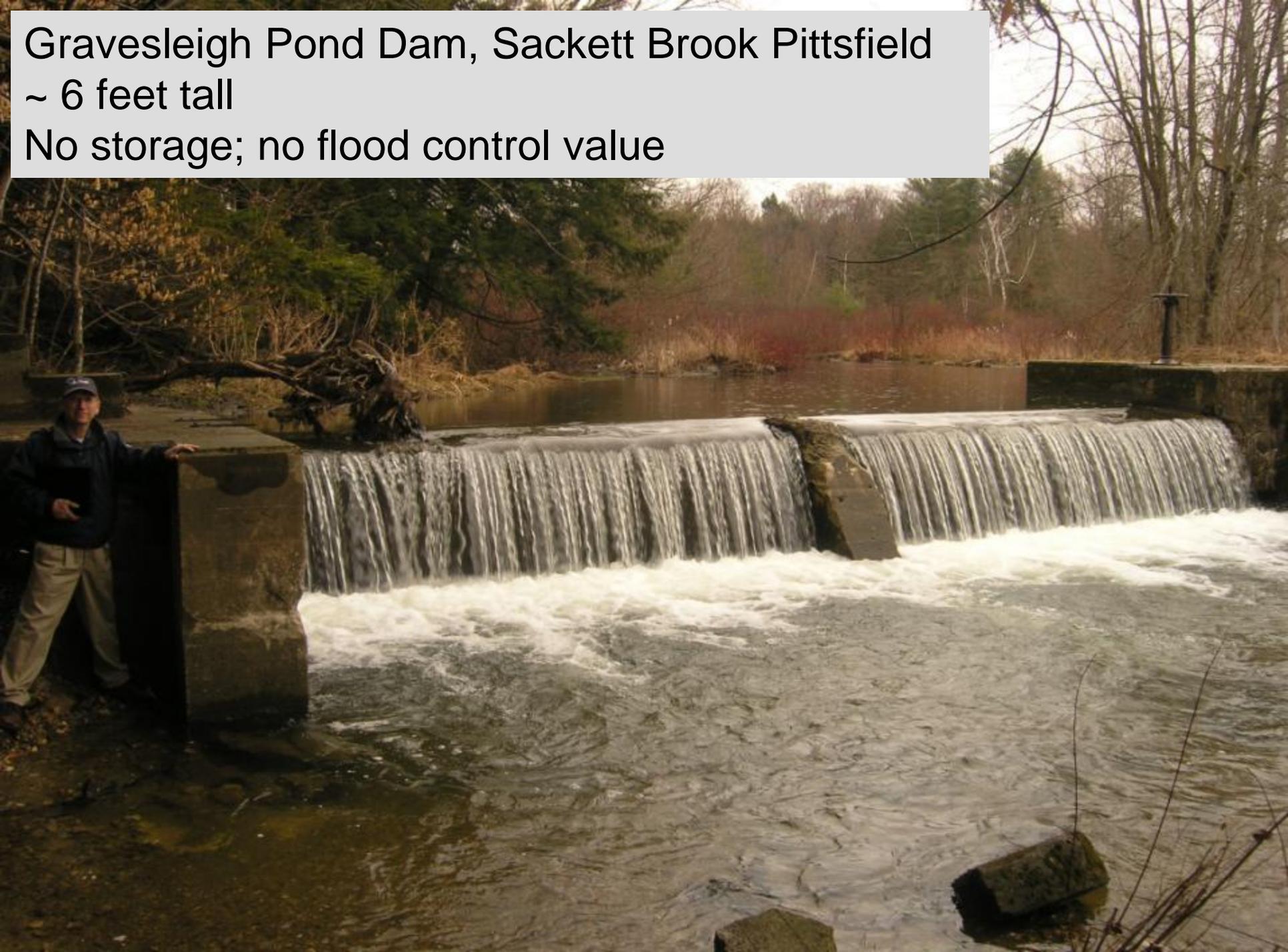
Knightville Dam, Huntington, MA

- 160 feet tall
- 960 acres of empty storage space
- 15.97 billion gallons of storage
- 5.6 inches covering 162 square miles



This dam will not be eligible for the Restoration Orders of Conditions because it was built and is managed for flood control by the ACOE.

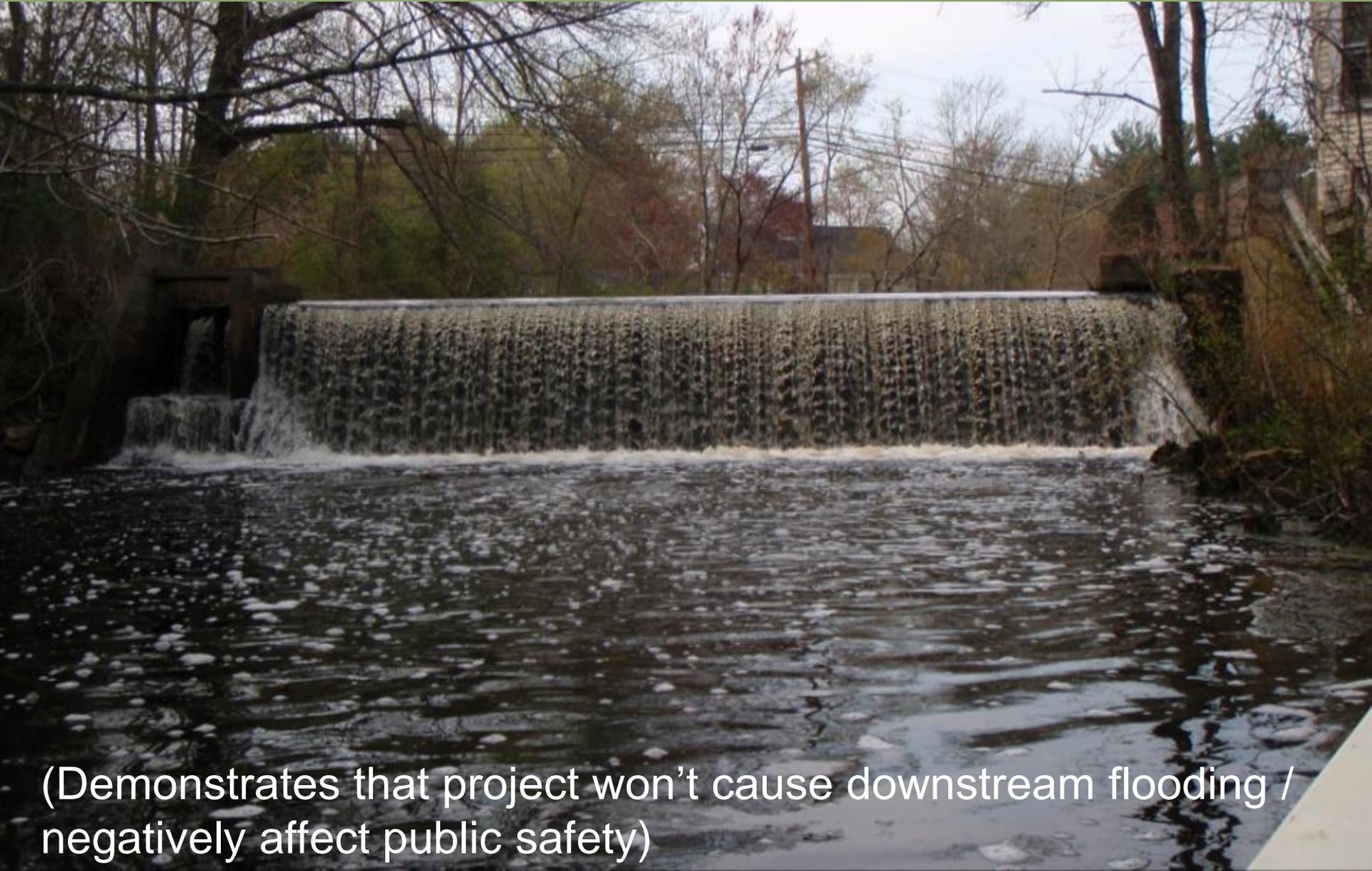
Gravesleigh Pond Dam, Sackett Brook Pittsfield
~ 6 feet tall
No storage; no flood control value



Sackett Brook, Pittsfield, one week after dam removal



Project has received an Office of Dam Safety permit, or a letter stating that the dam is non-jurisdictional.



(Demonstrates that project won't cause downstream flooding / negatively affect public safety)



Jones River, after dam removal

Project removes full vertical extent of the dam, down to or below the stream bed.



“Remove full vertical extent of dam” should be written on plans.

Project includes full vertical removal of the dam, including below the stream bed.



“Remove full vertical extent” should be written on plans.

Project restores floodplain connectivity and processes



Remove enough of lateral extent to prevent re-impoundment during 500 year flood

A few other selected criteria

- Applicant must obtain letter from DMF stating that project is compatible with fish passage requirements (if project affects coastal fish run)
- Must adhere to TOY restrictions (unless letters saying otherwise from DMF / DFW)
- Must complete coordination with NHESP if project is in Estimated Habitat
- Applicant must have 401 permit in-hand (if required)
- Can't add a new or relocated tidal inlet/breach through a Barrier Beach or additional armoring of a Barrier Beach
- No installation of new water control devices (i.e., tide gates, flash boards and adjustable weirs) or change in management of existing water control devices

Take-home messages:

- Many of the criteria based on experience with >80 wetland and >30 dam removal projects
- Projects that meet the criteria will have ecological success
- If you forget everything else:

Remove the full vertical extent of the dam!

Ecological Restoration Projects Under Revised Wetlands Regulations

- WELCOME!!
- Beth Lambert, River Restoration Specialist, Division of Ecological Restoration
- Lealdon Langley, Director, MassDEP Wetlands and Waterways Program