



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

# Department of Environmental Protection

One Winter Street Boston, MA 02108 • 617-292-5500

Charles D. Baker  
Governor

Karyn E. Polito  
Lieutenant Governor

Kathleen A. Theoharides  
Secretary

Martin Suuberg  
Commissioner

## Proposed Wetlands Regulatory Revisions – Update as of February 29, 2020

In November 2019, MassDEP published proposed revisions to the wetlands regulations that included changes to the requirements for how Conservation Commissions deliver Determinations of Applicability, Orders, and Notification of Non-significance to MassDEP. This change was prompted by an adjudicatory appeal decision and is intended to address a recurring problem whereby MassDEP does not receive documents until after the deadline to appeal.

MassDEP received numerous comments from Conservation Commissions, relevant associations, consultants, and applicants, and we appreciate your efforts to provide thoughtful input as part of the regulatory process. Among the issues raised were budgetary constraints associated with certified mail, concerns about the limitations of eDEP, and support for a verified process whereby the Department receives the Order concurrently with the Applicant to provide necessary certainty for the appeals and approval process. In addition, comments supported updating the references in the regulations to the most recent national wetland plant list, titled “State of Massachusetts 2016 Wetland Plant List” (published by the U.S. Army Corps of Engineers, 2016).

MassDEP is reviewing all comments received during the comment period (ended January 30, 2020) and is evaluating options to proceed; we expect it may take several months to develop our decision.

In the meantime, regardless of the outcome of this proposed regulation revision, MassDEP continues to encourage commissions and their agents to adopt use of eDEP for Orders so that data from wetlands permits populates our database and helps us learn how to better protect wetlands, which is our shared goal. The regional Wetlands Circuit Riders and Boston staff are available to help you and we encourage you to contact them: <https://www.mass.gov/guides/massdeps-wetlands-circuit-rider-program>

- Western Region: [Mark.Stinson@mass.gov](mailto:Mark.Stinson@mass.gov)
- Central Region: [Kimberly.Roth@mass.gov](mailto:Kimberly.Roth@mass.gov)
- Southeast Region: [Andrew.Poyant@mass.gov](mailto:Andrew.Poyant@mass.gov)
- Northeast (interim) and Boston: [Alice.Smith@mass.gov](mailto:Alice.Smith@mass.gov)

This information is available in alternate format. Contact Michelle Waters-Ekanem, Director of Diversity/Civil Rights at 617-292-5751.  
TTY# MassRelay Service 1-800-439-2370  
MassDEP Website: [www.mass.gov/dep](http://www.mass.gov/dep)

Printed on Recycled Paper