



TRAILS FOR ALL

EXPANDING THE
ACCESSIBLE
TRAILS NETWORK IN THE
COMMONWEALTH

2026



APPENDIX D: WETLAND REGULATIONS

CONTEXT

- Massachusetts wetlands provide critical environmental, resiliency, health, and safety benefits to our planet and society – making strong and proactive protection of these resources imperative especially at the state level.
- Human access to natural areas via accessible trails provides critical public health, educational, and environmental stewardship benefits.
- The Massachusetts Wetlands Protection Act (WPA) and its implementing regulations provide valuable and necessary wetlands resource protections. In 2024, Mass DEP began a public process proposing revisions to the Wetlands regulations to improve the Commonwealth’s resilience to the impacts of climate change and streamline certain public benefit permitting. This process is ongoing and provides a timely and important opportunity to revisit WPA provisions related to accessible trails.
- It is estimated that nearly 50% of Massachusetts residents will benefit from improved trail accessibility, including seniors, families with children, and people living with disabilities. Creating more accessible trails and making existing trails more accessible to more users should be a State priority.
- Trails, as linear structures, will intersect with and potentially impact wetland resources, and thus, must be subject to the protections of the Massachusetts Wetlands Protection Act. However, both impacts and benefits should be considered as permitting processes and standards are revised.



- The current system and existing regulations for permitting accessible trails in natural areas is complex, confusing, lengthy, and typically adds significant costs to a project. The added costs and complexity does not appear to significantly increase resource protection benefits. This constitutes a significant and avoidable barrier to accessible trail construction and maintenance.

THEREFORE:

- Massachusetts Wetlands Regulations, relative to accessible trail permitting, should be “right-sized” to reduce barriers to accessible trail planning, permitting, construction, and maintenance, while maintaining high standards for wetlands protection. Low-impact public benefit projects, planned and built by professionals to enhance public accessibility in natural areas should not face the same provisions, restrictions, hurdles, or oversight as larger-scale development projects that pose far greater potential risks to wetland resources.

SPECIFIC RECOMMENDATION FOR CONSIDERATION

Minor Activities

- Most trail maintenance (and potentially some trail construction) in proximity to wetland resources, when properly sited and implemented with existing Best Trail Management Practices has little to no potential to negatively impact those wetlands or their functions, AND maintenance and well-designed construction can be protective of adjacent wetland resources; and thus should be streamlined through the permitting process.

Stream Crossings

- Trail stream crossings, i.e. bridges, that are appropriately sited, designed with Best Trail Management Practice, include erosion control practices when called-for, and meet the Massachusetts Stream Crossing Standards are protective of streams, and should be streamlined through the permitting process.

Wetland Crossings

- Trail wetland crossings – including boardwalks, puncheons and bog-bridges – that are appropriately sited to minimize impacts, meet Best Trail Management Practices in design and installation practices, and include erosion control practices when and where called-for, may impact wetland resource, but are ultimately protective of wetland resources and functions, and should be streamlined through the permitting process.
- Additional considerations:
 - While boardwalks on posts or piles may often be preferred, in some cases sills may provide a suitable approach.
 - Requiring structures to be raised high above the ground for light penetration can have negative implications on accessibility, safety, installation methods, and costs. While raising to allow more light may be reasonable in certain cases, height requirements should be evaluated case-by-case, and evaluations should balance potential costs and benefits.

Stormwater Standards:

- Subjecting unpaved trails to the MA Stormwater Standards (even to the Maximum Extent Practicable) adds unnecessary complexity to a project for no discernible benefit.
- Unpaved trails should not be subject to compliance with the stormwater standards, especially as these are not “industrial, commercial, institutional, office,

residential or transportation projects” and do not create any point source discharges.

Plan Requirements for Notice of Intent (NOI) Filings:

- Notice of Intent (NOI) Plan requirements, have traditionally been developed for residential and commercial development, and are often cumbersome and counter-productive for accurately describing linear, woodland trail projects.
- Provide guidance for commissions to waive strict plan requirements for NOIs for trail projects provided the project follows trail Best Management Practices and adequately describe the work proposed.
- Provide examples of alternatives, such as sketches, photographs, field delineation, mass-mapper maps, etc. that can appropriately be used to describe and condition the work.