



FEASIBILITY OF PERMIT STREAMLINING AND RECOMMENDATIONS FOR NEW MULTI-AGENCY REVIEW AND APPROVAL

**External Stakeholder
Team Meeting #3**



AGENDA

- Feedback Received!
 - 3 Buckets
- What Does Streamlining Mean to You?
- Review of Bucket 2 Streamlining Suggestions
 - **Streamlining Model for Low Risk/Low Impact Projects**
- Discussion on Other Suggestions for Streamlining
- Other States Streamlining
- Complete Application Checklist
- Technology Streamlining Discussion



Streamlining Recommendations Categorized

3 “Buckets”



- **Bucket 1: Simple Changes**
- **Bucket 2: Slightly More Complex Changes that May Require Regulatory Adjustments**
- **Bucket 3: Complex Changes Needing Long-Term Planning, IT Considerations, and Statute Changes**



Bucket #1

Simplest Streamlining Recommendation – Continued Collaboration Needed to Implement

- Agencies Develop Policy, Guidance, Informational Sessions, FAQs
- Checklists
- Resource Area/Jurisdictional Clarifications such as:
 - Bankfull Width and other Resource Area Definitions
 - LSCSF/BLSF delineation
 - BVW/Salt Marsh delineation
 - Coastal Bank
- CZM Requirements
- Interagency Pre-Planning Meeting Pathway
- Trainings



Bucket #2

Slightly More Complex Streamlining – Require Regulatory Adjustment

- Updates to Definitions

- 310 CMR 10.58(5) Redevelopment of Previously Degraded Riverfront Areas
- Navigable under Chapter 91
- Water Dependent Definition under Chapter 91
- Dredge vs Excavation



- **Streamlined Permitting for Low Risk/Low Impact Projects: Topic of Today's Discussion**
- Alignment of Permit Information Requirements
 - **Combined Completed Aligned Checklist: Topic of Today's Discussion**
- Reduction of Duplicative Reviews/Changes to Thresholds (non-statutory)
- Adding more Projects under Ecological Restoration Project Definitions



Bucket #3

Complex Streamlining – Long-Term Planning, IT Considerations, and Statute Changes

- Single Combined Application Submittal for Multi-Agency Review (with single online platform)
- Changes to Thresholds, Exemptions, Permitting Processes, etc. (statutory)
- Changes to Appeal Process (or allowing work to proceed while under Appeal)
- Major Technological/System Upgrades
 - Permit Tracking System or Dashboard

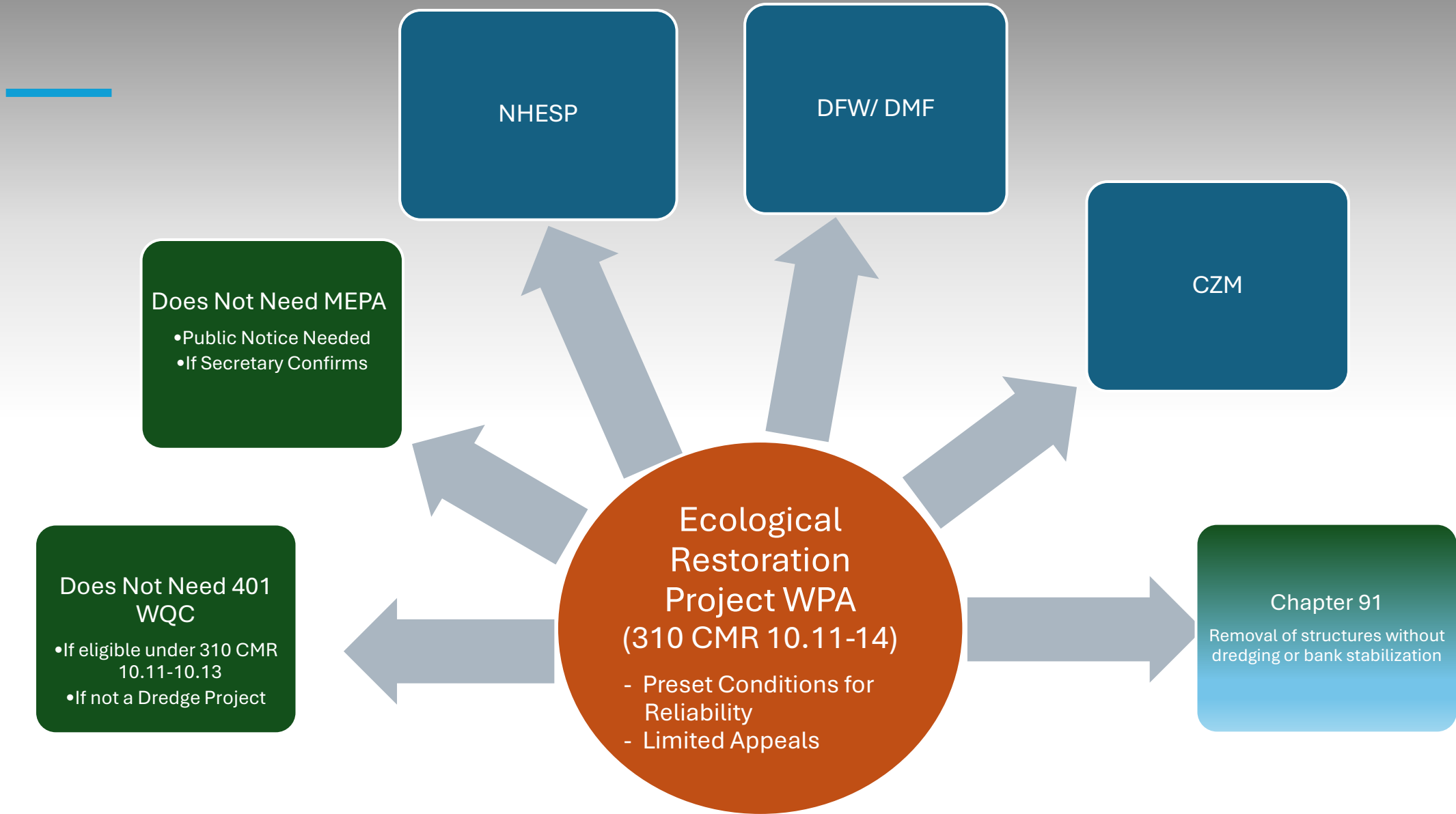


Permit Streamlining Ideas

What Does Streamlining Mean to You?

Let's Discuss





Current ERP Permitting Process



Existing Streamlining Available



Some Streamlining Available



No Established Streamlining

Permit Streamlining Ideas

Bucket #2

Can We Streamline Low Risk/Low Impact Projects?



What Should the Streamlining Process Look Like?

Proposed Streamlining Model for Low Risk/Low Impact Projects



	Tier 1 Low Risk Notification	Tier 2 Expedited Review	Tier 3 Normal Permitting Pathway
Submittal Type	Application with Specific Eligibility Requirements and Thresholds	Application with Specific Eligibility Requirements and Thresholds	Doesn't Qualify for Tier 1 or 2 Normal Permitting Pathway
Timeline	30 Days	Permit Issued in 90 Days	
Post-Construction Requirement	Post-Construction Follow-Up	Post-Construction Follow-Up	
Conservation Commission Review	Expedited Order of Conditions	Expedited Order of Conditions	Follow Normal WPA Permitting Pathway



Streamlining Model

Low Risk Notification – Tier 1



Example Project Type	Example Conditions	Source of Project
Signs, signals, sign and signal posts along existing roadways	Any excess soil is removed from the project location, and any disturbed soils are stabilized as appropriate.	310 CMR 10.02(2)(b)o
Maintenance of Existing Roadways	The roadway and shoulders are not widened, no increase of impervious area, no staging or stockpiling of materials, no creating new stormwater discharges or replacement of existing stream crossings, all disturbed road shoulders are stabilized within 72 hours of completion of the resurfacing or reclamation, and no work on the drainage system is performed, other than adjustments and/or repairs to respective structures within the roadway.	310 CMR 10.02(2)(b)p
Roadside or Rail Stormsystem Maintenance	TBD	Feedback
Hazard Tree Removal	Selective cutting, hazard/dead ash tree removal	Feedback
Trail/Boardwalk Maintenance	Trail is not widened, work within existing footprint; Work conducted from Trail or Boardwalk	Feedback



Streamlining Model

Expedited Review – Tier 2



Example Project Type	Example Conditions	Source of Project
Freshwater Stream Crossing Repair and Replacement	Meets the requirements of 310 CMR 10.04, 310 CMR 10.12, 310 CMR 10.13(1), and 310 CMR 10.13(2)(a)-(h)	310 CMR 10.13(3)
Dam Removal	Meets the eligibility criteria set forth in 310 CMR 10.13(1)(d); Project is consistent with the Department's guidance entitled Dam Removal and the Wetlands Regulations, dated December 2007. Will not adversely impact public water supply wells or permitted water withdrawals. Approval received from DCR Office of Dam Safety. Sample and assess sediment behind the dam. Proper disposal of materials and sediment, as needed.	310 CMR 10.13(2)
Marsh Restoration	TBD	Feedback
Trail, Pathway, Boardwalk Construction/Maintenance	Suggestion: Meets requirements of USACE GP or specific thresholds (<5,000 SF of impacts, not located in riffle and pool complexes and non-tidal vegetated shallows). On pilings <12 inch-diameter.	Feedback
Beach Re-Nourishment	Suggestion: Returning to previous footprint; Need to understand where beach sand is coming from	Feedback
Shellfish Reef Restoration/Propagation	Suggestion: Placement of clutch piles and seeding to propagate shellfish in non-contaminated waters.	Feedback
Living Shoreline	Suggestion: Construction and maintenance of living shorelines to stabilize banks and shores in coastal waters, which includes the Great Ponds, along shores with small fetch and gentle slopes that are subject to low- to mid-energy waves. Must have a substantial biological component, either tidal or lacustrine fringe wetlands or oyster or mussel reef structures. No more than 500 feet in length along the bank.	Feedback

The Low-Risk/Low-Impact Model

Let's Discuss

- What are your Thoughts on this Streamlining Model?

Permit Streamlining Ideas

Buckets #2 and 3

What are Some Other Ideas for Streamlining?



How Would the Streamlining Work?

What are Other States Doing? No Perfect Solution!

**Reviewing: California, Maryland, New Jersey, New York, Virginia,
Minnesota, and Connecticut**

- Most streamlining initiatives appear to be focused on ecological restoration.
- Many are just IT – Dashboards or Permit Tracking (Virginia, New Jersey)
- Some Freshwater Wetlands General Permits (New York, New Jersey)
- Others are developed legislature, initiatives, and actionable strategies with clear goals to explore permit streamlining (Connecticut, Minnesota)



Permit Streamlining Other Models

Let's Discuss

- What Other Models Are There for Streamlining?



Permit Streamlining – Bucket #2

Complete Application Checklist



Can We Develop an Aligned Complete Application and Checklist?

- Regulatory requirements under your respective regulation
- Are there critical items for the application and plan set?
- Are there those that are not critical?
- **Aligned plan requirements**



Permit Streamlining

Complete Application Items

A. General Information

1. Project Location:

<input type="text"/>		
a. Street Address		
<input type="text"/>	<input type="text"/>	
b. City/Town	c. Zip Code	
Latitude and Longitude*:		
<input type="text"/>	<input type="text"/>	<input type="text"/>
d. Latitude	e. Longitude	
<input type="text"/>	<input type="text"/>	
f. Assessors Map/Plat Number	g. Parcel/Lot Number	

2. Applicant:

<input type="text"/>		<input type="text"/>
a. First Name	b. Last Name	
<input type="text"/>		
c. Organization		

A. General Information (cont.)

<input type="text"/>			
d. Street Address			
<input type="text"/>		<input type="text"/>	<input type="text"/>
e. City/Town	f. State	g. Zip Code	
<input type="text"/>	<input type="text"/>		
h. Phone Number	i. Fax Number	j. Email Address	
<input type="text"/>	<input type="text"/>	<input type="text"/>	

3. Property Owner (required if different from applicant): ☐ Check and attach list if more than one owner

<input type="text"/>		<input type="text"/>
a. First Name	b. Last Name	
<input type="text"/>		
c. Organization		
<input type="text"/>		
d. Street Address		
<input type="text"/>		<input type="text"/>
e. City/Town	f. State	g. Zip Code
<input type="text"/>	<input type="text"/>	
h. Phone Number	i. Fax Number	j. Email Address
<input type="text"/>	<input type="text"/>	<input type="text"/>

4. Representative (if any):

<input type="text"/>		<input type="text"/>
a. First Name	b. Last Name	
<input type="text"/>		
c. Organization		
<input type="text"/>		
d. Street Address		
<input type="text"/>		<input type="text"/>
e. City/Town	f. State	g. Zip Code
<input type="text"/>	<input type="text"/>	
h. Phone Number	i. Fax Number	j. Email Address
<input type="text"/>	<input type="text"/>	<input type="text"/>

- Applicant Information
- Proposed Areal Extent/Impacts/Fill Information
- Site Location
- Signatures: Applicant/Responsible Officer/Proponent, Property Owner, Representative/Authorized Agent (Original Signature usually needed), Person Preparing From.
- Project Description



Permit Streamlining

Complete Application Checklist – Unique Application Items

Application Forms

WPA - WPA Form 3

- Includes proposed alteration and proposed replacement
- Buffer zone and Riverfront Area impacts

MEPA - ENF Form, EJ Screening Form, Newspaper Public Notice Form

- Very detailed form
- Information on Land, Rare Species, Wetlands/ Waterways/Tidelands, Water Supply, Wastewater, Transportation, Air Quality (on if applicable), Solid, Hazardous Waste, Archaeological Resources, Climate Change/Resiliency, EJ

WQC/CH 91 Combined Form – WW26, Planning and Zoning Notification Forms

- Description of Water Body, Dredge Area in SF and CY, loss from Fill/Excavation and proposed mitigation for BVW, IVW, LUW and/or Saltmarsh
- Grain Size Analysis, Sediment Sampling Info (if needed)

MESA – Project Checklist Form

- None.

CZM – No form

DMF – No form




Permit Streamlining

Complete Application Checklist – Unique Application Pieces

Summary of Project Size & Environmental Impacts	Existing	Change	Total
LAND			
Total site acreage			
New acres of land altered			
Acres of impervious area			
Square feet of new bordering vegetated wetlands alteration			
Square feet of new other wetland alteration			
Acres of new non-water dependent use of tidelands or waterways			
STRUCTURES			
Gross square footage			
Number of housing units			
Maximum height (feet)			
TRANSPORTATION			
Vehicle trips per day			
Parking spaces			
WASTEWATER			
Water Use (Gallons per day)			
Water withdrawal (GPD)			
Wastewater generation/treatment (GPD)			
Length of water mains (miles)			
Length of sewer mains (miles)			
Has this project been filed with MEPA before? <input type="checkbox"/> Yes (EEA # _____) <input type="checkbox"/> No			
Has any project on this site been filed with MEPA before? <input type="checkbox"/> Yes (EEA # _____) <input type="checkbox"/> No			

Project Information

 * Brief Description of Project (e.g., dock, seawall, boat ramp, Harborwalk – if a longer narrative is to be provided, please upload a separate document):

 * Brief Description of Project Location - Non-Traditional Address (e.g., 'west end Toronto Avenue right-of-way at Gloucester Harbor' DO NOT complete this field if your project has a traditional address - enter N/A):

 * Proposed Use/Activity description:

* Is this site subject to 21E7:

☐ Yes ☒ No

* Does the project exceed the MEPA review thresholds for Waterways standards?:

☐ Yes ☒ No

* Is the Project site in an Environmental Justice Community?: 

☐ Yes ☒ No

* Which Wetlands Protection Act process document are you attaching?:

* Has there ever been a waterways jurisdictional determination issued for this project site?:


☐ Yes ☒ No

* Does your project require a '401 water quality certificate? If yes, please attach if currently available, a copy of '401 Water Quality Certificate' in the document section.:

☐ Yes ☒ No

* Are you seeking a Variance? If yes, please attach a supporting evidence of compliance with 310 CMR 9.21, 'Variance Supplement' in the document section.:

☐ Yes ☒ No

* Is the project located within the Designated Port Area? If yes, please review the standards at 310 CMR 9.12 and 9.32.: 

☐ Yes ☒ No

* Is the project located within an area subject to State Approved Municipal Harbor Plan? If yes, please attach supporting evidence of compliance with applicable MHP, 'MHP Supplement' in the document section.:

☐ Yes ☒ No

* Are you seeking a CWD (consolidated written determination) in accordance with 310 CMR 9.14(4)? If yes, please attach a document 'CWD Supplement' in the document section.:

☐ Yes ☒ No

* Does your project involve dredging?:

☐ Yes ☒ No

Dredging Information

* Please select the type:

--Select--

* What is the volume of the material to be dredged? (cubic yards):

* What is the area of the dredge foot print? (square feet):

* What is the maximum dredge depth including over-dredge (referenced to Mean Low Water)?:

* Describe dredge spoil disposal location/method:

* Is the dredge spoil compatible for beach nourishment?: 

☐ Yes ☐ No

Dredging Method

Hydraulic:

☐

Mechanical:

☐

Other:

☐

Permit Streamlining

Complete Application Checklist – Can We Align the Plan Set?

General Considerations

- Datums (MLW datum, NAVD 88, NAVD 29, Federal MLLW datum, etc)
- Different Boundaries: Buffer Zone, Mean High Tide, Mean Annual Tide, Mean Low Tide, Coastal Bank, High Tide Line, Spring Tide Elevation (for saltmarsh)

WPA

- Requires local and state buffer zones
- “...adequate size, scale, and detail to completely and accurately describe the site, resource area boundaries, and proposed work”
- Maximum 24" x 36", Not more than 1" = 50', Title Block

MEPA

- ENF Form: Existing conditions on the project site and its immediate environs, showing all known structures, roadways and parking lots, railroad rights-of-way, wetlands and water bodies, wooded areas, farmland, steep slopes, public open spaces, and major utilities
- Depicting environmental constraints on or adjacent to the project site such as Priority and/or Estimated Habitat of state-listed rare species, Areas of Critical Environmental Concern, Chapter 91 jurisdictional areas, Article 97 lands, wetland resource area delineations, water supply protection areas, and historic resources and/or districts;
- Proposed conditions upon completion of project
- Regs state: a site plan at an appropriate scale and level of detail, a map depicting all Environmental Justice Populations within five miles of the Project site

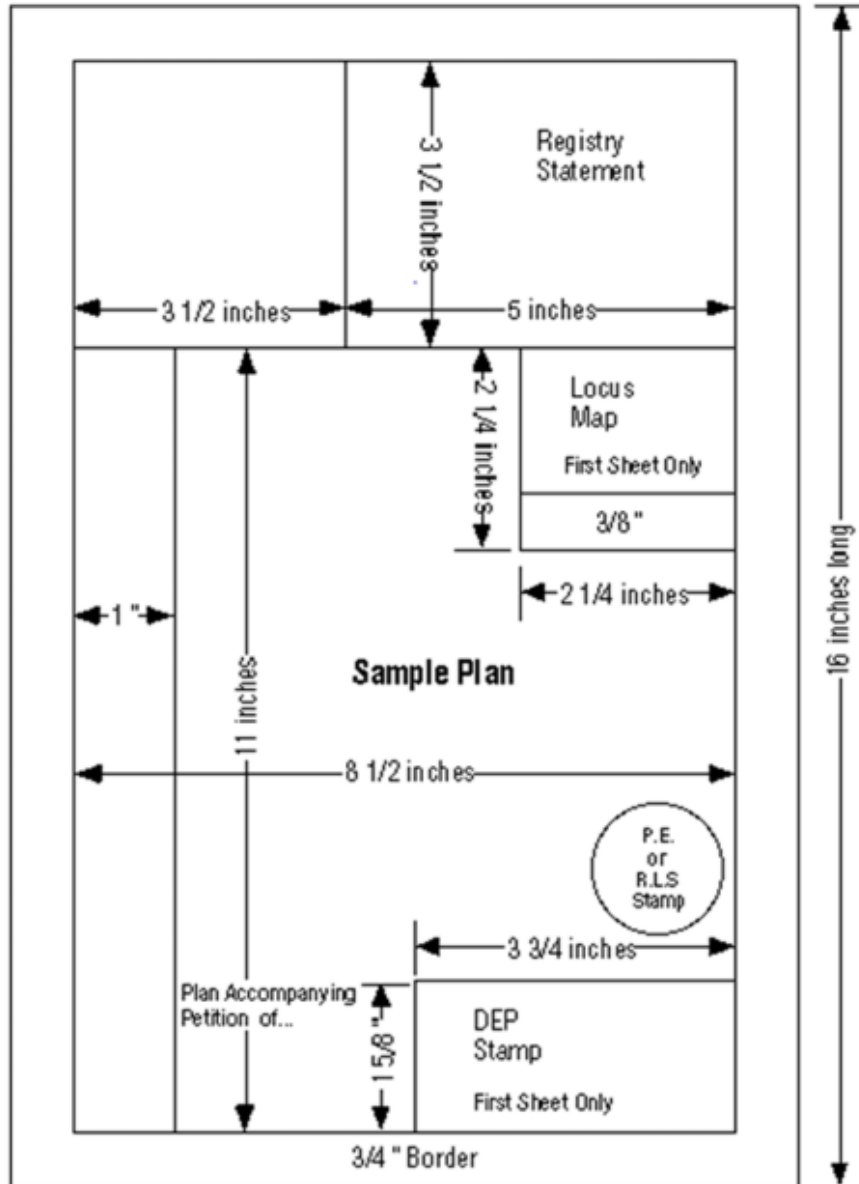
MESA

- Project plans for entire site (including wetland Resource Areas, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work)
- Assessor’s map or right-of-way plan of site

Permit Streamlining

Complete Application Items - Plan Set Alignment

Appendix A Plan Template



WQC/CH91 – Combined Application plans

- Specific plan requirements for Chapter 91 for the plan size and title block, margin, etc.
- WQC also specify requirements for plans such as vegetated wetland boundaries, existing shorelines, existing depths, seaward distance, ebb and flood, direction of flow, etc.
- Mean High and Low Water Lines and Federal Terms (Mean low water, mean low low water, for example)
- Plan, elevation, section views for dredging



Permit Streamlining

Complete Application Checklist

Let's Discuss



Permit Streamlining

Technology Streamlining

Let's Discuss

- Ideas for Streamlining Relative to Technology

Next Meeting

- **HOMEWORK**

- Prioritizing Streamlining Suggestions – Ranking
- More On Complete Application Checklist

- **Next Meeting – TBD**

- Agenda TBD

