



Commonwealth of Massachusetts
Executive Office of Energy and Environmental Affairs

Department of Environmental Protection

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Lieutenant Governor

Rebecca Tepper
Secretary

Bonnie Heiple
Commissioner

PUBLIC HEARING NOTICE

This Public Hearing Notice is available in alternative languages (Español -- Tiếng Việt -- Chinese -
- Kreyòl Ayisyen -- Português -- Khmer) on MassDEP's website at: <https://www.mass.gov/service-details/massdep-public-hearings-comment-opportunities>

Notice is hereby given that the Massachusetts Department of Environmental Protection (MassDEP) is proposing amendments to: 310 CMR 10.00, *Wetlands Protection*, pursuant to M.G.L. c. 131, § 40, and 314 CMR 9.00: *401 Water Quality Certification for Discharges of Dredged or Fill Material, Dredging, and Dredged Material Disposal in Waters of the United States Within the Commonwealth*, pursuant to §27 of the Massachusetts Clean Waters Act, M.G.L. c. 21, §§ 26 – 53, M.G.L. c. 21A, § 14, M.G.L. c. 21C, M.G.L. c. 21E, M.G.L. c. 21H, M.G.L. c. 91, §§ 52 through 56, and M.G.L. c. 111, §§ 150A through 150A1/2. The amendments are primarily intended to streamline permitting for beneficial wetland restoration and other projects, including invasive plant management, damaged tree removal, and limited maintenance and construction of unpaved paths.

The proposed regulatory text and a background document are available with a copy of this Public Hearing Notice on MassDEP's website at: <https://www.mass.gov/service-details/massdep-public-hearings-comment-opportunities>

MassDEP will hold two virtual public hearings via Zoom at the following dates and times to receive comments on the proposed changes. **Advance registration is required.**

Monday, August 10, 2026 at 1:00 PM – Public Hearing

Please use this link to register in advance for this hearing:

<https://us06web.zoom.us/join/5Y5cg6TBG41Qwc437kVO>

Monday, August 10, 2026 at 6:00 PM – Public Hearing

Please use this link to register in advance for this hearing:

<https://us06web.zoom.us/join/uXIfkUaqRJ67lplAggERVA>

Testimony may be presented orally at the public hearing. Written comments will be accepted through 5:00 pm on **August 20, 2026**. The Department encourages electronic submission by email to dep.wetlands@mass.gov and must include *Wetlands-401 Ecological Restoration Comments* in the subject line. Written comments may also be mailed to Lisa Rhodes, Attn: *Wetlands-401 Ecological Restoration Comments*, MassDEP-BWR, 100 Cambridge Street, Suite 900, Boston, MA 02114.

For special accommodations, please call the MassDEP Diversity Office at 617-292-1282.

TTY# MassRelay Service 1-800-439-2370. This information is available in alternate format upon request. MassDEP provides language access interpreter/translation services to limited English proficient individuals free of charge. If you need an interpreter to participate in this meeting, translation services

can be found at the following link: <https://www.mass.gov/info-details/massdep-language-translation-assistance>.

By Order of the Department of Environmental Protection
Bonnie Heiple, Commissioner

Small Business Impact Statement

(As required by M.G.L. c. 30A §§ 2, 3 & 5)

CMR No: 310 CMR 10.00

Estimate of the Number of Small Businesses Impacted by the Regulation: 500 (estimated number of businesses proposing work in resource areas annually).

- **Will small businesses have to create, file, or issue additional reports?**
No, the proposed amendments do not increase the number of reports.
- **Will small businesses have to implement additional recordkeeping procedures?**
No, the proposed amendments do not require additional recordkeeping procedures.
- **Will small businesses have to provide additional administrative oversight?**
No, the proposed amendments do not require additional administrative oversight.
- **Will small businesses have to hire additional employees in order to comply with the proposed regulation?**
No, the proposed amendments do not require hiring additional employees.
- **Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, engineer, etc.)?**
No, the proposed amendments do not require hiring additional professionals to ensure compliance. Under the existing regulations, hiring an engineer or scientist may be necessary when filing a Notice of Intent; however, the proposed amendments would not result in requirements greater than the existing regulations.
- **Does the regulation require small businesses to purchase a product or make any other capital investments in order to comply with the regulation?**
No, the proposed amendments do not require the purchase of products or specific capital investments.
- **Are performance standards more appropriate than design/operational standards to accomplish the regulatory objective? (Performance standards express requirements in terms of outcomes, giving the regulated party flexibility to achieve regulatory objectives and design/operational standards specify exactly what actions regulated parties must take.)**
No. The proposed ecological restoration amendments provide flexibility by relying on performance standards to accomplish objectives. The proposed amendments to the bordering vegetated wetland boundary determination methodology include specific actions (operational standards) to ensure technical accuracy and consistency to achieve regulatory objectives. Performance standards would not ensure the regulatory objective of technical accuracy and consistency.
- **Do any other regulations duplicate or conflict with the proposed regulation?**
No, other regulations do not duplicate or conflict with the proposed amendments.
- **Does the regulation require small businesses to cooperate with audits, inspections or other regulatory enforcement activities?**
No. The proposed amendments do not add any new requirements to cooperate with audits, inspections or other regulatory enforcement activities. Under the existing regulations, MassDEP has the ability to perform inspections to ensure compliance with permit conditions and may conduct enforcement as needed. No additional requirements are anticipated with the proposed amendments.
- **Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements?**
No, the proposed amendments do not require the provision of educational services.
- **Is the regulation likely to *deter* the formation of small businesses in Massachusetts?**
No, the proposed amendments are not likely to deter the formation of small businesses.
- **Is the regulation likely to *encourage* the formation of small businesses in Massachusetts?**
No, the proposed amendments are not likely to encourage the formation of small businesses.
- **Does the regulation provide for less stringent compliance or reporting requirements for small businesses?**

No, the proposed amendments do not provide less stringent compliance and reporting requirements for small businesses.

- **Does the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses?**

No, the proposed amendments do not establish less stringent schedules or deadlines for small businesses.

- **Did the agency consolidate or simplify compliance or reporting requirements for small businesses?**

No. The proposed amendments do not specifically consolidate or simplify requirements for small businesses; however, the proposed amendments do include streamlined permitting options for four ecological restoration projects. The proposed amendments also provide a minor activity (exemption) for trail construction and maintenance activities, the removal of invasive plant species, and the removal of hazardous trees, in accordance with specific requirements.

- **Can performance standards for small businesses replace design or operational standards without hindering delivery of the regulatory objective?**

Yes. The proposed amendments for ecological restoration projects are currently written as performance standards. For projects proposed in wetland resource areas, the use of performance standards has proven to work best for applicants, including small businesses. The proposed amendments to the bordering vegetated wetlands boundary determination methodology should be “operational” standards to achieve the regulatory objective of technical accuracy and consistency.

- **Are there alternative regulatory methods that would minimize the adverse impact on small businesses?**

MassDEP does not anticipate any adverse impacts on small businesses as a result of the proposed amendments.