



Commonwealth of Massachusetts
Executive Office of Energy and Environmental Affairs

Department of Environmental Protection

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Division of Water Pollution Control

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 through the Division of Water Pollution Control for 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/meeting/register/y_5Y5cg6TBG41Qwc437kVQ

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/meeting/register/uXlfkUaqRJ67lplAggERVA>

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: 314 CMR 9.00

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 an application for a 401 water quality certification; 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 amendments include the addition of both a performance standard and an operation standard to accomplish the objective of improving culvert replacement projects for climate resiliency (operational standards) and to improve aquatic organism passage (performance standard). The operational standard is necessary to ensure a minimum baseline design to accommodate anticipated streamflows.
- **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. 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 add ecological restoration limited projects as an activity not requiring an application and clarify that hand pulling aquatic plants is not considered dredging.

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

Yes. The proposed amendments include an operational standard to ensure a minimum baseline design for culvert replacement projects that will accommodate anticipated streamflow and minimize potential flood impacts. The requirement for a minimum baseline standard is best written as an operational standard to achieve the regulatory objective of climate resiliency.

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

No. MassDEP does not anticipate any adverse impacts on small businesses as a result of the proposed amendments.