

Massachusetts Handbook for Delineation of Bordering Vegetated Wetlands



Policy Questions
with
Responses Provided by MassDEP



Question: Will DEP issue a program policy regarding the manual to update Program Policy 95-1?

Answer: MassDEP will consider replacing the old policy with a new Policy. The timing of the Policy update may or may not coincide with a Regulation revision, so the timing is yet to be determined.

Question: The new, fillable field form has several bugs. Will this be corrected?

Answer: Yes, the fillable MassDEP Bordering Vegetated Wetland Determination Form (MassDEP Form) with errors was immediately removed following the initial posting in March and has since been replaced with a beta-tested new version. The new version is posted in four locations on the MassDEP website and has a revision date of July 2023 in the footer.

Question: With projects that require a 401 WQC/404 General Permits, would MassDEP consider the use of the federal form for all permit applications including NOIs?

Answer: The Handbook doesn't require the use of the MassDEP Form if the Issuing Authority receives all the necessary information to evaluate the project according to the Wetlands Protection Act regulations. However, the MassDEP data collection methodology and evaluation of that data is not identical to the USACE's process. For this reason, the use of the MassDEP Form is recommended because it ensures consistent evaluation of data and aligns with the *Handbook's* methodology. The use of the MassDEP Form is especially important in an appeal when MassDEP guidance documents often have substantial influence on final ruling(s).



Question: It appears that the new BVW Determination Forms were created using the USACE Wetland Determination Data Forms as a template; however, the state forms are very difficult for data entry and do not autofill the Indicator Status, Dominance Test, Prevalence Index, or Hydric Soil Indicator, which is time consuming. Has MassDEP considered working with the USACE to obtain their template for use?

Answer: The MassDEP Form is a fillable pdf which is a different tool than the USACE's excel file that pulls data from the Wetland Plant list. If there is demand for an MassDEP excel sheet with an autofill capability, we may explore developing one. Alternatively, if the fillable pdf is difficult to use, the applicant can handwrite the MassDEP Form as long as it's legible for the Issuing Authority to review.



Question: Has MassDEP considering adding a note to the new Handbook stating that data forms are not required for applications per the regulations, even if they are recommended?

Answer: The Handbook doesn't require the use of the MassDEP Form if the Issuing Authority receives all the necessary information to evaluate the project according to the Wetlands Protection Act regulations. MassDEP recommends using the MassDEP Form because it ensures consistent evaluation of data and aligns with the *Handbook's* methodology. The use of the MassDEP Form can be especially important in an appeal when MassDEP guidance documents often have substantial influence on final ruling(s).

