



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
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KERRY HEALEY
Lieutenant Governor

ELLEN ROY HERZFELDER
Secretary

ROBERT W. GOLLEDGE, Jr.
Commissioner

New Wetland Fees: Effective October 8, 2004

The Massachusetts Department of Environmental Protection's (DEP) proposed wetland fee increase has been adopted and the new fee schedule took effect on **October 8, 2004**. The fee increases represent the first fee amendment since they were originally adopted in 1989. Fee increases are intended to more accurately reflect the effort required to review projects that have become increasingly complex. In general, fees for all Notice of Intent projects has doubled (e.g. Category 1 increase from \$55 to \$110 and Category 2 increase from \$250 to \$500). Similarly, DEP appeal fees have also increased (e.g. Superseding Order of Conditions fees increase from \$50 to \$100 for single-family homes and from \$50 to \$200 for all other projects). As in the past, for all fees for the Notice of Intent, Abbreviated Notice of Intent and the Abbreviated Notice of Resource Area Delineation the city/town's share is the first \$25 plus half the remaining total fee. The state's share is half the remaining total fee minus the first \$25.

The following is an excerpt of the revised wetlands permit fees. For a full description of all fee increases and related information, please refer to the DEP web page at <http://www.mass.gov/dep/brp/ww/regs.htm>.

Wetlands Permit Application Fees

For a Notice of Intent or an Abbreviated Notice of Intent or an Abbreviated Notice of Resource Area Delineation:

The fee is for work proposed under a single Notice of Intent. When the application involves more than one activity the fee shall be determined by adding the fees for each proposed activity, except that when work involves activities within the riverfront area as well as another resource area, the fee shall be determined by adding an additional 50% to the fee calculated for activities in another resource area(s) or the buffer zone to another resource area for each of the proposed activities within the riverfront area. Use Category 6 for the Abbreviated Notice of Resource Area Delineation fee.

- a. Category 1: \$110 *42.50/67.50*
- b. Category 2: \$500
- c. Category 3: \$1050
- d. Category 4: \$1450
- e. Category 5: \$4 per linear foot
- f. Category 6: \$2 per linear foot with a maximum of \$200 for a single-family house project and a maximum of \$2000 for any other activity.

For a Superseding Determination of Applicability: \$100

For a Superseding Order of Conditions

- a. Superseding Order of Conditions for individual single-family homes with associated structures: \$100
- b. All Other Superseding Order of Conditions: \$ 200

For a Superseding Order of Resource Area Delineation: \$100

This information is available in alternate format. Call Donald M. Gomes, ADA Coordinator at 617-556-1057. TDD Service - 1-800-298-2207.

DEP on the World Wide Web: <http://www.mass.gov/dep>

Printed on Recycled Paper

Massachusetts Department of Environmental Protection
Bureau of Resource Protection – Wetlands & Waterways

**BRP WPA Form 3 - Notice of Intent
Instructions and Supporting Materials**

Electronic filers (currently limited to businesses registered with the Department) will need to print out the completed NOI form, sign it, and submit it together with all attachments to the conservation commission. The NOI form itself is electronically submitted to the Department without a signature. NOI attachments must still be submitted to the Department in hard copy; each attachment must include the Document Transaction Number generated by the computer program in the upper right hand corner of the first page of the electronic NOI.

Instructions for NOI Wetland Fee Transmittal Form. Calculating Wetland Filing Fees

The wetland filing fee should be calculated using the following steps based on a hypothetical project involving two driveway crossings through a Riverfront Area and Bordering Vegetated Wetland and six single family houses in Riverfront Area only.

Step 1/Type of Activity: Review plans and narrative to identify each activity in wetland resource areas and their applicable Buffer Zones. Example: driveway crossing and construction of a single family house.

Step 2/Number of Activities: Determine the number of each activity associated with the project. Example: driveway crossings and 6 single family homes.

Step 3/Individual Activity Fee: List the fee amount for each category of activity (see Category Activities and Fee, below) Example: Driveway crossing is a Category 2(f.) activity and is \$500 each. Construction of a single family house is a Category 2(a.) activity and is \$500 each.

Step 4/Subtotal Activity Fee: Determine the subtotal fee for each type of activity by multiplying the fee for the activity (Step 3) by the number of activities (Step 2). If the activity is within the Riverfront Area as well as another resource area or its Buffer Zone, add 50% to total fee (e.g., multiply the fee by 1.5). If the activity is located in a Riverfront Area only, apply the fee amount for the category without the additional 50%. Example: 2 (driveway crossings in BVW) x \$500 x 1.5 (for riverfront area) = \$1,500; 6 (single family homes) x \$500 = \$3,000.

Step 5/Total Project Fee: Add all the subtotals identified in Step 4 to determine the total fee. Example: \$1,500 + \$3,000 = \$4,500.

Step 6/Fee Payments: The state share of the fee is 50% of any filing fee in excess of \$25 (i.e., the state share can be determined by dividing the total fee in half and subtracting \$12.50); the remaining portion of the fee shall be made to the city or town (i.e., the City/Town share can be determined by dividing the total fee in half and adding \$12.50). Example: City/Town share: \$2,262.50; state share: \$2,237.50.

Category Activities and Fees

Category 1 (Fee for each activity is \$110):

- a.) work on single family lot; addition, pool, etc.;
- b.) site work without a house;
- c.) control vegetation;
- d.) resource improvement;
- e.) work on septic system separate from house;
- f.) monitoring well activities minus roadway;
- g.) new agricultural or aquaculture projects.

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Category 2 (Fee for each activity is \$500)

- a.) construction of single family house;
- b.) parking lot;
- c.) beach nourishment;
- d.) electric generating facility activities;
- e.) inland limited projects minus road crossings and agriculture;
- f.) each crossing for driveway to single family house;
- g.) each project source (storm drain) discharge;
- h.) control vegetation in development;
- i.) water level variations;
- j.) any other activity not in Category 1, 3, 4, 5 or 6;
- k.) water supply exploration.

Category 3 (Fee for each activity is \$1,050)

- a.) site preparation (for development) beyond Notice of Intent scope;
- b.) each building (for development) including site;
- c.) road construction not crossing or driveway;
- d.) hazardous cleanup;
- e.) water supply development.

Category 4 (Fee for each activity is \$1,450):

- a.) each crossing for development or commercial road;
- b.) dam, sluiceway, tidegate (safety) work;
- c.) landfills operation/closures;
- d.) sand and gravel operations;
- e.) railroad line construction;
- f.) bridge;
- g.) hazardous waste alterations to resource areas;
- h.) dredging;
- i.) package treatment plant and discharge;
- j.) airport tree clearing;
- k.) oil and/or hazardous material release response actions.

Category 5 (Fee is \$4 per linear foot; total fee not less than \$100 or more than \$2,000):

- a.) work on docks, piers, revetments, dikes, etc. (coastal or inland).

Category 6 (Fee is \$2 per linear foot for each resource area): For each resource area delineation, the fee shall not exceed \$200 for activities associated with a single family house or \$2,000 for all other activities).

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Additional examples of How to Calculate Wetland Filing Fees

Example 1: New single family house with associated work located within Riverfront Area (RA) only:

There is one Category 2 activity (2.a., single family home construction and associated work).

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|--|------------------------------|
| Fee for home and associated work (RA): | = \$500 |
| Total Fee: | \$500 |
| Fee due City/Town: | \$262.50 (\$500/2 + \$12.50) |
| Fee due State: | \$237.50 (\$500/2 - \$12.50) |

Example 2 : Construction of 10 single family homes within a subdivision, eight of the homes are within a Riverfront Area (RA), and a portion of each of the two remaining homes are within Bordering Vegetated Wetland (BVW) and RA. There will be 4 stormwater discharges located within BVW's Buffer Zone. There also is one limited project access roadway reviewable under 310 CMR 10.53(3)(e) located in BVW and RA.

There are ten Category 2 projects (2(a.), 10 homes each involving work in a wetland resource area) and one Category 4 project 4(a.), limited project for access to residential subdivision). The fee for review of the stormwater discharges is included in Category 2(a.).

Fee for single family homes:

| | |
|--|-------------------------------|
| 8 in RA (\$500 for each of the 8 homes) | = \$4,000 |
| 2 in BVW: \$1,000 x 1.5 (RA) | = \$1,500 |
| Fee for limited project access: \$1,450 (BVW) x 1.5 (RA) | = \$2,175 |
| Total Fee: | \$7,675 |
| Fee due City/Town: | \$3,850 (\$7,675/2 + 12.50) |
| Fee due State: | \$3,825 (\$7,675/2 - \$12.50) |

Example 3: Construction of a parking lot and three storm drain outlets within Bordering Land Subject to Flooding (BLSF), and within the Riverfront Area (RA). A septic system will be constructed within a Buffer Zone of a BVW that is also within RA.

There is one Category 1 activity (i.e. septic system in Buffer Zone) and four category 2 activities (2.b. parking lot and (2.g., three storm drain outlets):

| | |
|--|-------------------------------|
| Fee for parking lot: \$500 (BLSF) x 1.5 (RA) | = \$ 750 |
| Fee for storm drain: \$1,500 (3 storm drains in BLSF) x 1.5 (RA) | = \$2,250 |
| Fee for septic system: \$110 (Buffer Zone) x 1.5 (RA) | = \$ 165 |
| Total Fee: | \$3,165 |
| Fee due City/Town: | \$1,595 (\$3,165/2 + \$12.50) |
| Fee due State: | \$1,570 (\$3,165/2 - \$12.50) |

Mail transmittal forms and DEP payments, payable to:

Commonwealth of Massachusetts
 Department of Environmental Protection
 Box 4062
 Boston, MA 02211