



### ***An Act Accelerating Wetlands Restoration (H.1052/S.557)***

Rep. Kristin Kassner and Dawne Shand; Sen. Brendan Crighton

Healthy wetlands provide many important benefits: supporting a wide diversity of native plants and animals, filtering and storing water, and reducing flooding. Wetlands are also essential to climate action, capturing carbon out of the atmosphere up to 10 times faster than mature forests<sup>1</sup>. But our salt marshes, freshwater wetlands, and rivers need help to reverse damage from past land uses and provide resilience to the impacts of sea level rise, more intense storm events, and more frequent droughts.

#### **Why Wetlands Need Our Help**

Coastal and inland wetlands in Massachusetts have historically been impacted by ditching, draining, filling, channelization, introduction of non-native plants, and other human alterations that impair their natural functions.

These impacts have resulted in the loss of more than 40% of our salt marshes and nearly a third of all wetlands statewide. While strong laws now protect coastal and inland wetlands from large-scale destruction, action is urgently needed to heal ongoing damage to remaining wetlands.

Help support restoration of these vital natural resources by joining our advocacy campaign and supporting H.1052 and S.557, *An Act accelerating wetlands restoration*:



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<sup>1</sup> See Wetlands and Waterways and Coastal fact sheets at: [www.massaudubon.org/valueofnature](http://www.massaudubon.org/valueofnature).

## Why Restoration?

- Our rivers and streams are fragmented by 3,000 dams and over 25,000 culverts, many of which are obsolete and at risk of washing out during floods. These barriers destroy river functions and **block movement of fish and wildlife along streams**. Movement between habitat areas is more important than ever in a changing climate.
- Thousands of acres of salt marshes are subsiding and eroding at alarming rates, crisscrossed with ditches and old embankments that **alter water flows and destroy the marsh grasses and peat platform**.
- Cranberry bogs that are no longer operational **offer opportunities to restore entire stream systems**.

Massachusetts is a leader in wetlands restoration. Hundreds of projects have successfully revitalized these precious systems, and more are underway.

Learn more about Mass Audubon's [ecological restoration work](#), including salt marshes, urban wetlands, and removal of dams and other barriers.

Check out the largest freshwater restoration project in the Northeast at [Tidmarsh Wildlife Sanctuary](#)

## Reducing Costs, Speeding Up Progress

Despite progress, the pace of this work is slow compared to the urgent scope of restoration needed across thousands of locations. Regulatory reforms are an important part of the transformation to more efficient progress. Ironically, regulations developed decades ago to curtail loss and damage to wetlands are now slowing down and increasing costs for restoration.

These regulations were written to limit development in wetlands. They require complex review of any alterations of wetlands, even when those changes reverse historic impacts by removing fill or structures and restoring natural water flows. In some instances, the cost of permitting a restoration project exceeds hundreds of thousands of dollars, and it can take years to navigate as many as a dozen separate permits.

The current system makes doing beneficial restoration work difficult, while **allowing historic wetland degradation and destruction to remain in place, causing more damage every day**.

We are working with state environmental agencies and our partners to update regulations and policies. Other states have dramatically streamlined permitting for ecological restoration projects, and we should too.<sup>2</sup>

*An Act Accelerating Wetlands Restoration* (H.1052/S.557) would address key permitting issues for low risk, simple restoration actions such as healing ditches in salt marshes and hand pulling of invasive plants in wetlands. These bills would also advance work by state agencies to improve efficiencies in their permitting systems and enable innovative nature-based resiliency projects to be tested in a pilot program.

## How You Can Help

- Learn more at: [massaudubon.org/wetlandrestoration](https://massaudubon.org/wetlandrestoration)
- Join our grassroots advocacy program, Climate and Nature Champions. We'll give you all the training and resources you need to support wetlands restoration and speed up this important work: [massaudubon.org/climatechampions](https://massaudubon.org/climatechampions)

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<sup>2</sup> [www.policyinnovation.org/permitting](https://www.policyinnovation.org/permitting)

## **Section By Section: [H.1052](#) and [S.557](#), *An Act Accelerating Wetlands Restoration***

### **Section 1: Exempt certain projects from the requirements of Chapter 91**

Restoration projects often require many different permits. One of these is a Chapter 91 license under the Waterways Act, a complex and costly permit that can take up to two years to obtain. The purpose of this law is to protect navigation and public access to tidelands and waterways. Salt marsh restoration projects using plants and soil materials to restore natural flows and growth of the marsh have no impact on public access to or enjoyment of salt marshes. Examples of this work include healing historically dug ditches using hay from the marsh, digging shallow runnels to drain artificially impounded areas, and placement of a thin layer of sediment where marshes are subsiding or eroding. This provision would exempt such work from Chapter 91. Other permits e.g. the Wetlands Protection Act and Massachusetts Endangered Species Act would still apply and protect the other interests served by salt marshes.

### **Section 2: Provide general permitting for certain invasives removal projects**

Invasive, non-native plants compromise a wetland's ability to support wildlife, filter water, recharge groundwater, and provide flood resiliency. Landowners who want to remove invasive plants within wetlands must apply to the local conservation commission for a permit under the Wetlands Protection Act. This provision in the bill would allow for a more streamlined, simple and quick administrative approval for small-scale, hand removal of invasive plants. Rules would be established limiting the scope and methods for these projects, providing notification to the conservation commission and verification of the competency of the person conducting the work.

### **Section 3: Overall Wetlands Restoration Streamlining**

Massachusetts state environmental agencies recognize the need to improve the efficiency of wetlands permitting systems, including for restoration. A multi-agency Wetlands and Waterways Streamlining Initiative is underway-- a positive step that many conservation organizations embrace. However, this process is broad and includes streamlining for development as well as restoration. The bill would establish an additional process for review of the regulations specifically for increasing the efficiency of restoration permitting across all state regulatory programs. It would provide the next step beyond the current initiative scheduled to conclude June 30, 2025.

### **Section 4: Piloting Innovative Nature-based Projects**

Scientists and other states are advancing new and innovative techniques to work with nature to provide resilience to storms and flooding, using natural materials such as plants, soils, and shellfish. For example, techniques like living shorelines and shellfish reefs provide alternatives to hard engineered structures like seawalls and bulkheads. This part of the bill (and a companion, stand-alone bill ([S.558/H.971](#))) would create a pilot program to allow limited experimentation with nature-based solutions that are currently not feasible to permit under Massachusetts laws. The pilot program would operate for five years and would issue a progress report annually.

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