



CONSERVATION DEPARTMENT
Community Development Division

MEMORANDUM

DATE: September 12, 2006

TO: Wetland Consultants, Surveyors & Engineers

FROM: Alison McKay, Conservation Administrator

SUBJECT: Riverfront Regulations

This memorandum has been prepared to address the regulations to the Wetlands Protection Act promulgated December 20, 2002 by the Department of Environmental Protection (Department). The regulations have been revised to address the method of identification of the intermittent vs. perennial status of a stream system. The Department formed a technical advisory committee that spent more than two years searching for an approach to identify the status of streams which was based upon sound science and could also be implemented at the local level. The Department worked with the USGS to research watershed characteristics that might be useful in classifying streams, such as drainage area, mean basin slope, length of stream, urbanized land cover and percentage of sands and gravels in the watershed. The research revealed that the most important characteristics for predicting whether a river flows throughout the year are watershed size and surficial geology. The USGS developed a statistical model to determine watershed boundaries and statistical flow durations. This model is available for use on the internet at <http://ststdmamrl.er.usgs.gov/streamstats>.

Below are **some** of the highlighted changes outlined in 310 CMR, Section 10.58 (Riverfront Regulations):

- A river or stream shown as perennial on the current USGS maps is perennial.

- A river or stream shown as intermittent or not shown on the current USGS that has a watershed size greater than or equal to one (1) square mile is perennial.
- A stream shown as intermittent or not shown on the current USGS map or more current map that has a watershed size less than one (1) square mile is intermittent unless:
 - * The stream has a watershed size of at least one-half (0.50) sq. mile and has a predicted flow greater than or equal to 0.01 cubic feet per second at the 99% flow duration using the USGS StreamStats method. The issuing authority shall find such streams to be perennial.
- The issuing authority shall find that any stream is intermittent based upon a documented field observation that the stream is not flowing. A documented field observation shall be made by a competent source and shall be based upon an observation made at least once per day, over four (4) days in any consecutive twelve (12) month period, during a non-drought period on a stream not significantly affected by drawdown from withdrawals of water supply wells, direct withdrawals, impoundments, or other man-made flow reductions or diversions.

All applicants are encouraged to carefully review the revised state regulations in their entirety (www.state.ma.us/dep). The Riverfront Maps located at the end of The North Andover Wetlands Protection Bylaw should be used as a reference tool only. At this time, all applicants will be required to provide Streamstats data on all intermittent streams identified on the USGS maps or other maps prepared by the Department. A formal determination of the status of a stream must be verified through a Request for a Determination of Applicability filing or evidence must be presented with a Notice of Intent Application.