



Instructions for Completing WPA Form 1 – Request for Determination of Applicability

Please read these instructions before completing the Request for Determination of Applicability (WPA Form 1) for more information on certain items that are not self-explanatory.

Purpose of the Request for Determination of Applicability

The Request for Determination of Applicability (RDA or Request) is a process that provides applicants with the *option* of obtaining a determination on the applicability of the Wetlands Protection Act (WPA or the Act) and its regulations to a proposed site and/or activity. Before filing this form to confirm the boundary delineation of a resource area, the applicant should discuss other delineation review options with the Conservation Commission. The Commission may require the submission of WPA Form 3 (Notice of Intent), WPA Form 4 (Abbreviated Notice of Intent), or WPA Form 4A (Abbreviated Notice of Resource Area Delineation).

The applicant is responsible for submitting a complete and accurate description of the site and project to the Conservation Commission. This will minimize requests for additional information by the issuing authority which may result in an unnecessary delay in the issuance of a Determination of Applicability (DOA).

The Conservation Commission also may require that supporting materials (plans and calculations) be prepared by professionals including, but not limited to, a registered engineer, registered architect, registered landscape architect, registered land surveyor, registered sanitarian biologist, environmental scientist, geologist, or hydrologist when the complexity of the proposed work warrants specialized expertise.

To complete this form, the applicant should refer to the Wetlands Protection Act Regulations (310 CMR 10.00) at [MassDEP's website](#). Copies of the regulations are available for viewing at public libraries and county law libraries across the state, as well as at the Department's Regional Service Centers. Official copies of the wetland regulations are available for sale from the State House Bookstore (617.727.2834) and State House Bookstore West (413.784.1378).



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Submit a Completed WPA Form 1 – Request for Determination of Applicability

For Conservation Commission:

Submit one (1) copy of the completed Request for Determination of Applicability, with all attachments, to the local Conservation Commission.

For MassDEP:

Submit one (1) copy of the completed Request for Determination of Applicability, with all attachments, to the appropriate MassDEP Regional Office. The RDA and supporting documents may be mailed to the MassDEP regional office at the same time that the RDA is filed with the Local Conservation Commission.

Submitting a copy of the RDA to MassDEP can be accomplished electronically using the eDEP RDA Submittal Platform or by mailing the RDA to the appropriate MassDEP regional office. Both methods of submitting the RDA fulfill the regulatory requirement to ‘mail’ a copy of the RDA to the MassDEP regional office. Separate instructions are provided below for each submittal method.

Submit RDA Electronically – eDEP Submittal Platform Option

An eDEP Submittal Platform option is now available for applicants to electronically attach and submit a completed copy of the RDA to MassDEP. Using the Submittal Platform fulfills the applicant's requirement to mail a copy of the RDA to the MassDEP Regional Office. It also eliminates the cost of mailing the form and provides a dated email receipt as proof of submittal. Applicants are encouraged to use this option to electronically submit RDAs to MassDEP.

A link to the instructions for uploading an RDA using the RDA Submittal Platform can be found on the eDEP Wetlands Forms page in your *My eDEP* account. These step-by-step instructions will walk you through the process to successfully submit the RDA, including how to attach the hard copies for submitting to MassDEP.

When submitting electronically, filling in the Latitude and Longitude fields on the WPA Form 1 – Request for Determination of Applicability is not required as this will be accomplished after the form is submitted.

Submit RDA by Mail Option

A copy of the RDA and supporting documents may also be mailed to the MassDEP regional office when the RDA is filed with the Local Conservation Commission. Find the appropriate MassDEP regional office on the web at <https://www.mass.gov/service-details/massdep-regional-offices-by-community>.



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Completing WPA Form 1 Section B: Project Description

In this section, the applicant must describe the area and proposed activities (if any). The type of information required depends, in part, on the type of determination requested in Section C. In all cases, the applicant should describe the site based on the wetland jurisdictional areas and their boundaries under the Wetlands Protection Act and regulations.

1a. Project Location. Include a street address (if one exists) and, if known, the Assessors' map or plat number, the parcel number, and the lot number. The map or plat, parcel, and lot numbers must be included if the lot subject to the Request does not contain a residence, school, or commercial or industrial establishment, or if the lot is being subdivided.

There are **two different ways** to obtain the latitude and longitude for the project site location depending on whether you are submitting the RDA to MassDEP electronically or by mail.

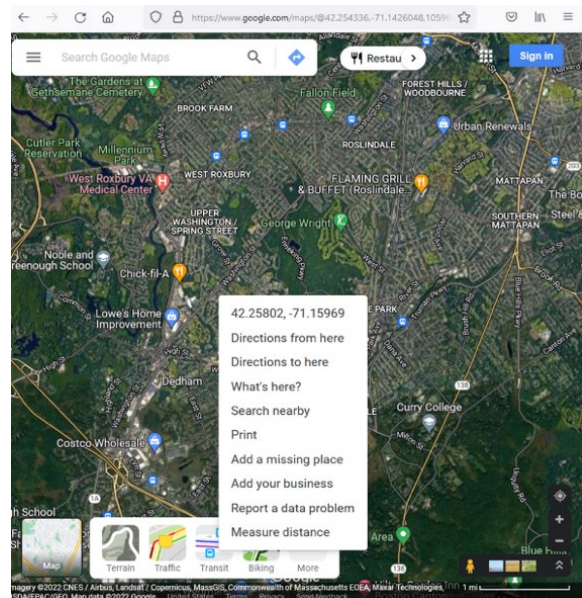
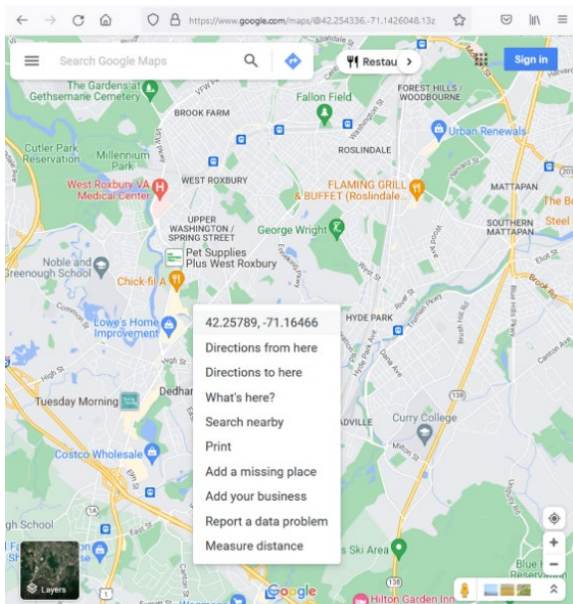
When attaching and submitting the RDA using the eDEP Platform

Do this **only** if you are planning to attach and submit the RDA via the eDEP platform. Leave the latitude and longitude fields **BLANK** on the **hard copy form**. When you go into the eDEP submittal platform there will be a map viewer for you to enter the latitude and longitude. Step by step instructions on how to use the Map Viewer is on the [eDEP RDA Information Page](#).

When mailing a hard copy to the MassDEP Regional Office

Do this **only** if you are mailing a hard copy of the RDA form to the MassDEP regional office. Use Google Maps or another mapping program to get the latitude and longitude in decimal degrees format. [A link to video instructions](#) for google maps is also on the RDA form. To find the coordinates of the project location:

1. On your computer, open Google Maps. <https://www.google.com/maps>
2. Right-click the project location or area on the map. This will open a pop-up window. You can find the latitude and longitude in decimal format at the top.
3. To copy the coordinates automatically, click on the latitude and longitude.
4. Enter the Latitude and Longitude data into the RDA **to 5 places after the decimal point**.
5. Save your work and continue completing the form.





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1b. Area Description. Describe the physical characteristics of the area where the activity/work will occur in narrative form (e.g., level lawn, steep vegetated slope, moderately steep paved area). If needed, attach additional sheets for a more complete description of the area; a map or plan may also be used as part of the area description (see instructions for 1c for plan and map requirements).

1c. Plan and/or map reference(s). On the application form, list the titles of all attached plans and maps, as well as the most recent revision date.

Submit an 8.5" x 11" section of the U.S. Geologic Survey (USGS) quadrangle or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site.

Plans should be of adequate size, scale, and detail to describe the site, resource area boundaries, and proposed work completely and accurately. The following guidelines are provided to encourage uniformity:

Sheet Size

- Maximum 24" x 36"
- If more than one sheet is required to describe the proposed site and/or proposed work, provide an additional sheet indexing all other sheets and showing a general composite of all work proposed within the Buffer Zone and areas subject to jurisdiction under the WPA.

Scale

- Not more than 1" = 50'
- If plans are displayed, include graphical scales

Title Block

- Included on all plans
- Located at the lower right-hand corner, oriented to be read from the bottom when bound at the left margin.
- Include original date plus additional space to reference the title and dates of revised plans.

2a. Activity Description. Activity Subject to Regulation under the WPA is described in 310 CMR 10.02. If the Request is to determine jurisdiction over proposed activity, the applicant is asked to describe the activity in detail. Proposed activity can be described in narrative form. If needed, attach additional sheets for a more complete description of the activity; a map or plan may also be used to describe the work (see 1c. instructions above for plan and map requirements).

Provide the following information below for the WPA, depending on which boxes you are checking under **Section C: Determinations.**

If checking box 1c. - Describe the proposed Activities and precise location relative to the boundaries of each wetland resource area and the Buffer Zone on the site.

If checking box 1d. - Describe the proposed Activities and precise location relative to the boundaries of areas which may be subject to municipal wetland ordinance or bylaw.

If checking box 1e. - Describe the proposed Activities and precise location relative to the boundaries of the Riverfront Area.

2b. Exemptions. Exemptions are allowed under the Wetlands Protection Act for certain mosquito control, commercial cranberry bogs, agricultural, and aquacultural projects and for projects authorized by Special Act prior to 1/1/73. These exemptions are defined, in part, in 310 CMR 10.002(2)(a)2 and 10.02(2)(b) and in the definitions of agriculture and aquaculture in 310 CMR 10.04. In addition, there are



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exemptions for certain stormwater management projects (310 CMR 10.02(3)); specific minor activities in the Buffer Zone (310 CMR 10.02(2)(b)); and certain other projects in the Riverfront Area (310 CMR 10.58(6)(b)).

3a. Riverfront Area Scope of Alternatives. Complete this section **only** if 1e. under Section C is checked. In 3a, check one box that best describes the project. The classifications listed in 3a and the scope of alternatives which projects in each classification must analyze are explained in 310 CMR 10.58(4)(c)2.

Completing WPA Form 1 Section C: Determinations

Check one or more of the boxes that apply to your Request:

1a. To determine whether the area depicted on plan(s) and/or map(s) referenced below is an area subject to jurisdiction under the Wetlands Protection Act and its regulations at 310 CMR 10.02.

1b. To confirm the precise boundaries of any delineated wetland resource area. NOTE: before checking 1b., consult with the Commission to determine if they will issue a confirmation of wetland resource area boundaries in response to the filing of WPA Form 1.

1c. To determine whether the WPA applies to Activities which are planned within a resource area or within the Buffer Zone to a resource area. Activities Subject to Regulation under M.G.L. c.131, s.40, or Areas Subject to Regulation are found in 310 CMR 10.02.

1d. To determine whether the city or town has a local wetlands ordinance or bylaw which applies to any particular area of land and/or to work which is planned within this area of land.

1e. To determine if the scope of alternatives to be considered is adequate for Activities in the Riverfront Area. The scope of alternatives which must be considered for various types of projects in the Riverfront Area is contained in the wetland regulations at 310 CMR 10.58(4)(c)2.

For the reviewing agency to obtain a complete description of the project site, resource area boundaries must be clearly delineated. Further explanation of Boxes 1a – 1e follows.

Resource Areas: Boundaries.

For boundaries of inland resource areas (including the Riverfront Area, which may be either inland or coastal), refer to subsection (2), “Definitions, Critical Characteristics and Boundaries” for each resource area covered under 310 CMR 10.54 – 10.58.

For boundaries of coastal resource areas, refer to the definitions in 310 CMR 10.04 and 10.24 for each resource area covered under 310 CMR 10.25 – 10.35, as well as in the text of Section 10.25 – 10.35.

The boundary of the Buffer Zone is determined by measuring 100 feet horizontally from those areas specified in 310 CMR 10.02(1)(a).

1a. Describe the site and, if possible, the boundary of any area that may be subject to jurisdiction under the WPA (including the Buffer Zone).



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1b. As noted earlier, 1b., should only be checked with approval of the Conservation Commission. If checked, submit:

- plans identifying the precise boundaries of the resource area(s) delineated.
- method used to determine the boundaries of Bordering Vegetated Wetland. Note whether the boundary was delineated based on the presence of one or more of the following:
 - 50% or more wetland indicator plants
 - Saturated/inundated conditions
 - Groundwater Indicators
 - Direct Observation
 - Hydric soil indicators
 - For disturbed sites: specific, credible evidence of conditions prior to disturbance.
- Use one of the methods indicated above to determine the boundaries of Bordering Vegetated Wetlands (BVW). On the form, check all the methods that are used to determine the boundary. These methods are discussed in the wetland regulations at 310 CMR 10.55(2)(c). When undertaking BVW delineations, whether by vegetation alone or by vegetation and other indicators of wetland hydrology, applicants are encouraged to use the Department's BVW Handbook: [Delineating Bordering Vegetated Wetlands Under the Massachusetts Wetlands Protection Act \(2023\)](#). This document is available for purchase from the State House Bookstore (617.727.2834) and State House Bookstore West (413.784.1378). The Department encourages applicants to complete the [BVW Field Data Form](#) cited in the handbook and submit it with the Request for Determination of Applicability. If detailed vegetative assessments are not required for a particular site, the reasons should be noted on the Field Data Form.

1c. Describe the boundaries of all resource areas and Buffer Zones where work will occur, or which could be impacted by the activity.

1d. Describe the site, and if possible, the boundary of any area that may be subject to a municipal wetland ordinance or bylaw. If there are areas on the site which are not subject to the Wetlands Protection Act, but which may be subject to a municipal wetland ordinance or bylaw (if any), specifically note the boundaries of such areas. Describe all areas where work is planned if such work may be subject to a municipal wetland ordinance or bylaw.

1e. Indicate the precise location of all work relative to the boundaries of the Riverfront Area.

Completing WPA Form 1 Section D: Signatures and Submittal Requirements

A completed WPA Form 1, with all attachments, must be submitted to the Conservation Commission. The applicant also must send a copy of WPA Form 1 and all attachment to the appropriate DEP Regional Office (see <https://www.mass.gov/service-details/massdep-regional-offices-by-community> for locations of regional offices and the communities they serve) **and** to the property owner, if different from the applicant. **The original and copies must be sent simultaneously.** Failure by the applicant to send the copies in a timely manner may result in dismissal of the Request for Determination of Applicability.

Note that if the applicant opts to use the eDEP submittal platform the completed signed hard copy of the RDA must be uploaded onto the platform to ensure that the submittal is complete. Once the eDEP submittal is sent, the Applicant will be sent a confirmation email of the date of receipt by MassDEP.

Fees: Under the Wetlands Protection Act and at 310 CMR 10.00 there is no application fee for the Request for Determination of Applicability. However, Conservation Commissions may charge fees under their local by-laws, if applicable. Although RDA fees are not required under WPA and its regulations, a notice of the Request must be placed in a local newspaper and published at least five days prior to the public meeting, at the applicant's expense. Please contact your Conservation Commission regarding the procedure for public newspaper notice.