



BRP WW 13 Renovation of Abandoned Cranberry Bogs Instructions and Supporting Materials

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Introduction

MassDEP *Permit Applications*, as well as *Instructions & Support Materials*, are available for download from the MassDEP Web site at mass.gov/dep in two file formats: Microsoft Word™ and Adobe Acrobat PDF™. Either format allows documents to be printed.

Instructions & Support Materials files in Microsoft Word™ format contain a series of documents that provide guidance on how to prepare a permit application. Although we recommend that you print out the entire package, you may choose to print specific documents by selecting the appropriate page numbers for printing.

Permit Applications in Microsoft Word™ format must be downloaded separately. Users with Microsoft Word™ 97 or later may complete these forms electronically.

Permitting packages in Adobe Acrobat PDF™ format combine *Permit Applications* and *Instructions & Support Materials* in a single document. Adobe Acrobat PDF™ files may only be viewed and printed without alteration. *Permit Applications* in this format may not be completed electronically.



BRP WW 13 Permit Fact Sheet

1. What is the purpose of the BRP WW 13 permit?

The purpose of this permit is to allow the Department to review proposed renovation of abandoned cranberry bogs. Since most of these abandoned cranberry bogs are considered wetland resource areas, there are certain interests that these wetland areas are presumed to protect. A pre-construction review of these proposals allows the Department to consider various mitigating measures both required and proposed that protect these interests.

2. Who must apply?

For **BRP WW 13**: All persons who propose to renovate an eligible abandoned cranberry bog for the purpose of commercially raising cranberries. A completed application form, BRP WW 13, must be submitted to the MassDEP Regional Office responsible for the community in which the cranberry bog is located. The application should also include plans prepared by a registered land surveyor or professional engineer showing existing and proposed site conditions for the bog to be renovated, along with all wetland resource areas that are present on the site.

3. What other requirements should be considered when applying?

Specific information needs to be submitted as part of the application that identifies the proximity of the abandoned bog to certain resource areas. The regulations also require that an approved Natural Resources Conservation Service conservation farm plan be submitted with the application and that certain mitigation measures and best management practices be identified in the application.

Certain activities may be subject to local wetland or zoning laws and may also be subject to federal laws. Any person proposing the renovation of abandoned cranberry bogs should contact the community in which the bog is located for any local requirements. Questions on the applicability of federal wetland laws should be directed to the U.S. Army Corps of Engineers at 1-800-362-4367.

Note: These additional requirements are intended to serve as a general guide to the applicant. They are not necessarily all additional requirements.

4. What is the application fee?

For **BRP WW 13**, Renovation of Abandoned Cranberry Bogs, the application fee is \$640.00

5. What is the Primary Permit Location? What is the Reserve Copy Location?

Primary Permit Location:

BRP WW 13 permit applications should be submitted to the MassDEP Regional Office responsible for the community in which the cranberry bog is located.

**Department of Environmental Protection
Watershed Permitting Program, Wetlands Section
* Regional Office**

* See <http://www.mass.gov/dep/about/region/findyour.htm> to identify the MassDEP Regional Office serving your location.

Reserve Copy Locations:

There are no Reserve Copy Locations for these permits.



BRP WW 13

Permit Fact Sheet

6. Where can I get a copy of the timelines?

The timelines are available on the MassDEP Website: www.mass.gov/dep/service/online/fees.htm

7. What is the annual compliance fee?

There is no annual compliance fee for **BRP WW 13** approvals.

8. How long is this approval in effect?

A **BRP WW 13** permit is in effect for five years, and may be extended for no more than 3 years for just cause.

9. How can I avoid the most common mistakes made in applying for this approval?

- a. Be sure that all information required for review is submitted with the application, as identified in 310 CMR 23.04(1) and the Application Completeness Checklist.
- b. In order to accurately identify the area proposed for renovation a plan prepared by a registered professional engineer or land surveyor should be included with the application.
- c. Be sure that all wetland resource areas, including the 100 year flood plain and bordering vegetated wetlands are shown on the plan.
- d. Be sure construction methods and sequence of activities are clearly described.
- e. Submit the application fee and a copy of the MassDEP Transmittal Form to:

Department of Environmental Protection
P. O. Box 4062
Boston, MA 02211.

10. What are the regulations that apply to this approval? Where can I get copies?

The regulations include:

- a. Renovation of Abandoned Cranberry Bogs, 310 CMR 23.00.
- b. Timely Action Schedule and Fee Provisions, 310 CMR 4.00.
- c. Rules for Adjudicatory Hearings, 310 CMR 1.00.

These may be purchased at:

State Bookstore (in State House)
Room 116
Boston, MA 02133
617-727-2834



BRP WW 13 Renovation of Abandoned Cranberry Bogs Application Completeness Checklist

- The MassDEP Transmittal Form is completed: <http://mass.gov/dep/service/online/trasmfrm.shtml>
- The MassDEP application form for permit category BRP WW 13 has been completed and the following information has been provided:
 - Item A-1, A-2; The name, address and telephone number of the landowner and person representing the landowner, if applicable.
 - Item B-1; Information to identify the location of the property on which the bog is located and additional information to identify where on the property the bog is located.
 - Item B-2; The size of the abandoned bog to be renovated.
 - Item B-3; The number of acres of abandoned cranberry bog that have been renovated by the land owner within the last three years.
 - Item B-4; The year in which the bog was abandoned and attach documentation to support this date.
 - Item B-5; Whether the land on which the abandoned cranberry bog meets the definition of land in agricultural use as contained in 310 CMR 23.02, Definitions.
 - Item B-6; A brief description and information on the proximity of the abandoned bog to the items listed here. To be eligible for renovation an abandoned cranberry bog must not be located within a Zone II of a public ground water drinking supply, a watershed of a public surface water supply, an Area of Critical Environmental Concern and must not contain a navigable stream as identified in Massachusetts General Law c. 91. In addition, an abandoned cranberry bog may not be renovated or certain restrictions apply if the renovation of the abandoned bog would affect a vernal pool, rare species, or anadromous fish run.
 - Item C; A copy of a conservation farm plan approved by the Natural Resources Conservation Service must be included with this application. In addition, provide a description of the mitigation and best management practices that will be utilized during the renovation and operation of the cranberry bog.
 - Item D; For an application to be complete, proof must be provided that the requirements for public notice have been met, either at the time of submission of the application or within ten days of submittal (see Attachment A - Instructions For Public Notice) In addition, copies of the application shall, at the same time:
 - be submitted to the conservation commission of the municipality in which the abandoned cranberry bog is located, and
 - be sent by certified mail or hand delivered to owners of abutting land within 1,000 feet of the bog restoration activity.



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

BRP WW 13 Renovation of Abandoned Cranberry Bogs Application Completeness Checklist

To submit the application package:

- Checklist items have been completed.
- For **BRP WW 13**: two (2) copies of the application, along with the one copy of the MassDEP Transmittal Form have been sent to the MassDEP Regional Office responsible for the community in which the cranberry bog is located.

Department of Environmental Protection
Watershed Permitting Program, Wetlands Section
_____ * Regional Office

* See <http://www.mass.gov/dep/about/region/findyour.htm> to identify the MassDEP Regional Office serving your location.

- Send fee of \$640 in the form of check or money order made payable to *Commonwealth of Massachusetts*, along with one copy of the MassDEP Transmittal Form to:

Department of Environmental Protection
P.O. Box 4062
Boston, MA 02211



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

BRP WW 13 Renovation of Abandoned Cranberry Bogs **Attachment A: Instructions For Public Notice**

For an application to be considered complete, proof must be provided that the requirements for public notice have been met. The public notice must contain the information required at 310 CMR 23.04(3)(a) through (g) and must be published within 10 days of submitting the permit application. A copy of the published notice must be sent to the MassDEP Southeast Regional Office, 20 Riverside Drive, Lakeville, MA 02347.

Inserting required information for underlined sections, (see <http://www.mass.gov/dep/about/region/findyour.htm> for MassDEP Regional Offices) the following Public Notice language is suggested:

Department of Environmental Protection
Watershed Permitting Program, Wetlands Section
[Address of MassDEP Regional Office with responsibility for the community in which the bog is located]

Public Notice

Pursuant to St. 1996 c. 258 and 310 CMR 23.00, notice is given of an application for the renovation of a [number of acres] abandoned cranberry bog owned by [name of land owner] located at [street address] in [city/town]. Additional information may be obtained from [applicant/contact person name], [address], and [telephone], or by contacting the [MassDEP Regional Office with responsibility for the community in which the bog is located] at [telephone number of MassDEP Regional Office]. A copy of the application may also be reviewed at the [city/town] conservation commission. Written comments should be sent to the Department of Environmental Protection Watershed Permitting Program, Wetlands Section, [Address of MassDEP Regional Office] within 21 days of this notice. Any group of ten persons of the Commonwealth or any aggrieved person who have submitted written comments may appeal the Department's decision to issue a permit for the renovation of an abandoned cranberry bog. Failure to submit written comments before the end of the public comment period may result in the waiver of any right to an adjudicatory hearing.



BRP WW 13

Renovation of Abandoned Cranberry Bogs
310 CMR 23.00

Transmittal Number

Facility ID# (if known)

C. Mitigation Measures

1. Date of NRCS approved Conservation Farm Plan (please enclose farm plan with application):

Date

2. Mitigation Measures:

- | | | | |
|---|------------------------------|-----------------------------|------------------------------|
| a. Tail Water Recovery System | <input type="checkbox"/> Yes | <input type="checkbox"/> No | |
| b. Bypass canal | <input type="checkbox"/> Yes | <input type="checkbox"/> No | |
| c. Water intake structures | <input type="checkbox"/> Yes | <input type="checkbox"/> No | |
| d. Flood control measures | <input type="checkbox"/> Yes | <input type="checkbox"/> No | |
| e. Laser leveled or equivalent construction | <input type="checkbox"/> Yes | <input type="checkbox"/> No | |
| f. Anadromous fish run mitigation | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A |

3. Wildlife habitat mitigation:

- | | | |
|---|------------------------------|-----------------------------|
| a. Wildlife habitat enhancement plan | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| b. Conservation restriction | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| c. 1:1 replication of bog renovation area | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

Note: Details of wildlife habitat mitigation must be provided on plans.

4. Other Best Management Practices:

D. Notification Requirements

1. Has a copy of the application been sent to the local conservation commission?

Yes No

2. Has a copy of the application been sent to Natural Heritage & Endangered Species Program?

Yes No



BRP WW 13

Renovation of Abandoned Cranberry Bogs
310 CMR 23.00

Transmittal Number

Facility ID# (if known)

D. Notification Requirements (cont.)

3. Has public notice been published in a newspaper of general circulation in the municipality in which the abandoned cranberry bog is located?
- Yes No
4. Has a copy of the public notice been sent by certified mail or hand delivered to owners of abutting land within 1,000 feet of the bog renovation activity?
- Yes No

E. Certification

Application is hereby made for renovation of abandoned cranberry bogs.

I certify that I am familiar with the work proposed and that to the best of my knowledge and belief the project meets the regulatory requirements of 310 CMR 23.00 and the information contained in this application and supplemental information is true, complete, and accurate.

Landowner/Applicant's signature

Date

Representative's signature

Date

For MassDEP Use Only

File Number:

Date Received:

- Zone II
- Ch 91
- NRCS Farm Plan
- Rare Spp
- NHESP
- Vernal Pool
- DMF/ACEC
- Water Supply
- Fee
- Public Notice