



Buzzards Bay Project

# Buzzards Bay Project Technical Assistance for Management Options for Falmouth Town Owned Cranberry Bogs

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MCZM

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Additional Information at  
[www.BuzzardsBay.org](http://www.BuzzardsBay.org)

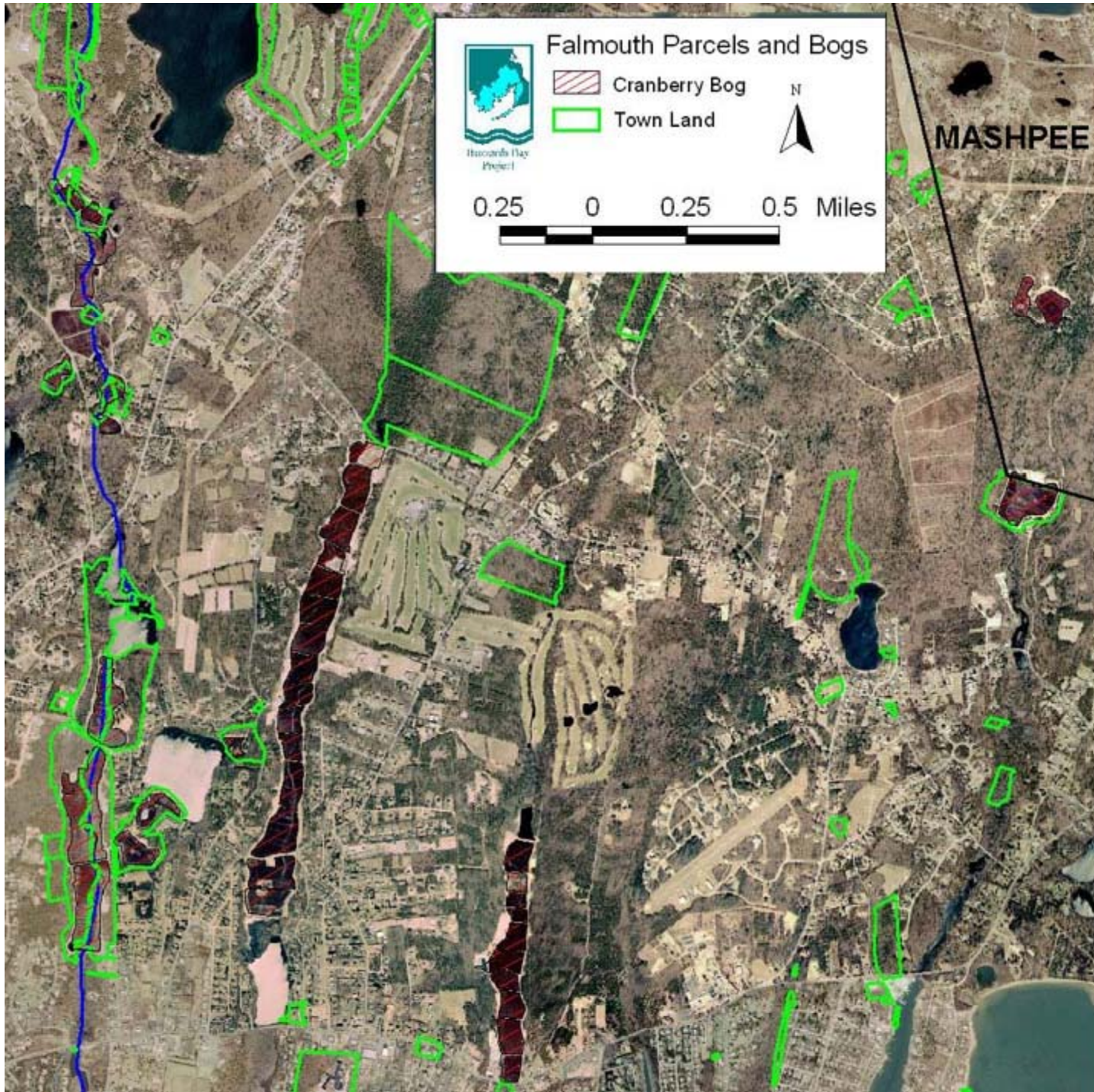
# Retraction

Based on information provided by EOEADivision of Conservation Services, this information was stated and included on a slide:

“Any fees generated from town conservation or park land must go to a dedicated fund (either conservation or recreation ) as per MGL Ch. 83 section 44 and a letter of opinion from DOR, Division of Local Services.”

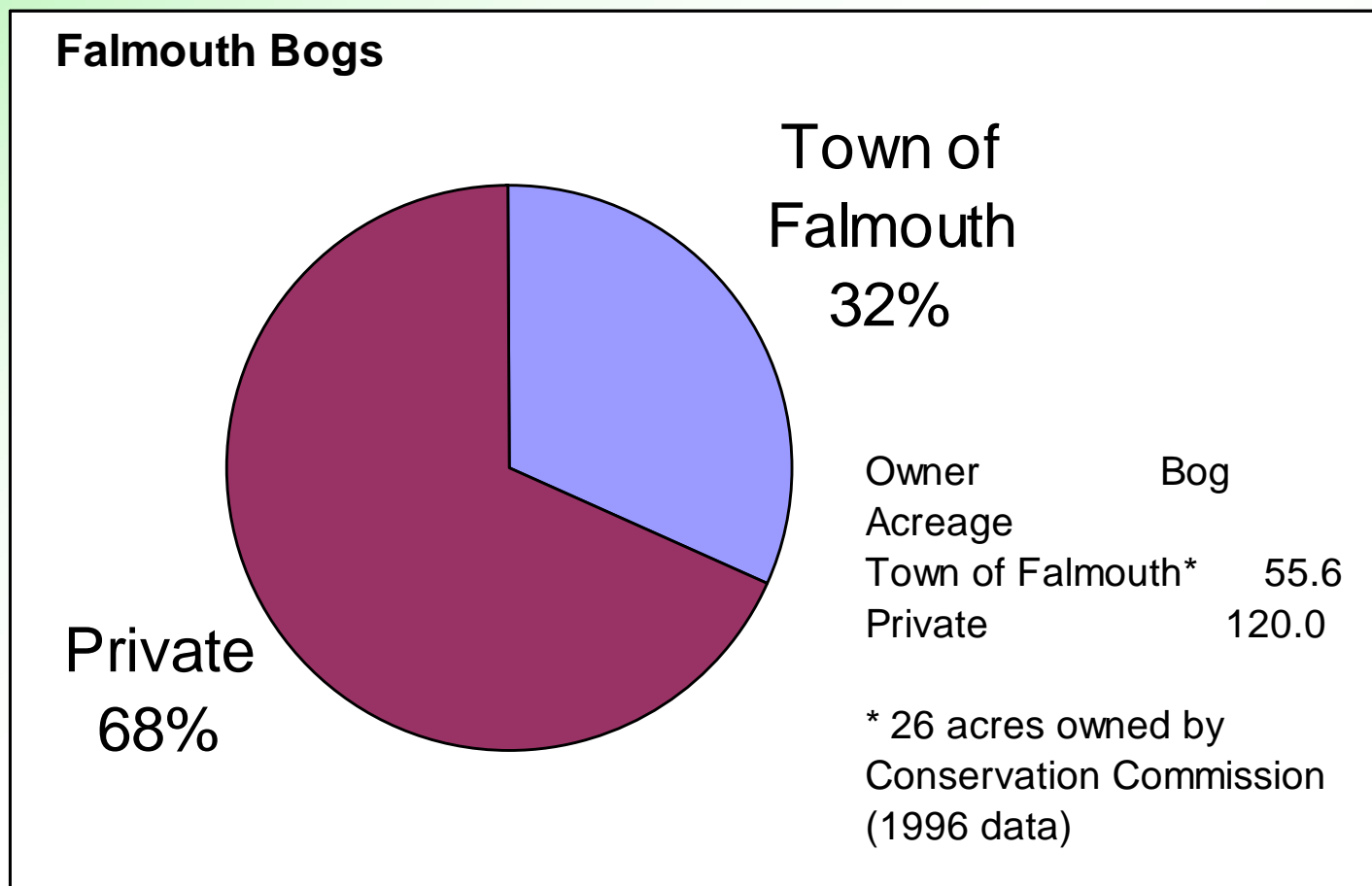
The citation should have actually read “MGL Ch. 44 section 53D” which establishes the ability of park and recreation departments to establish independent revolving funds to deposit fees collected. However, more importantly, while researching the matter we discovered a 1995 legal opinion from the Department of Revenue that stated that the lease income from town owned land agricultural land is not the same as fee income on park land. The legal opinion unequivocally stated that conservation commission-owned agricultural land lease money is to go into the town’s general fund. We are unaware of this decision being superseded.





# Falmouth Bogs and Town Parcels

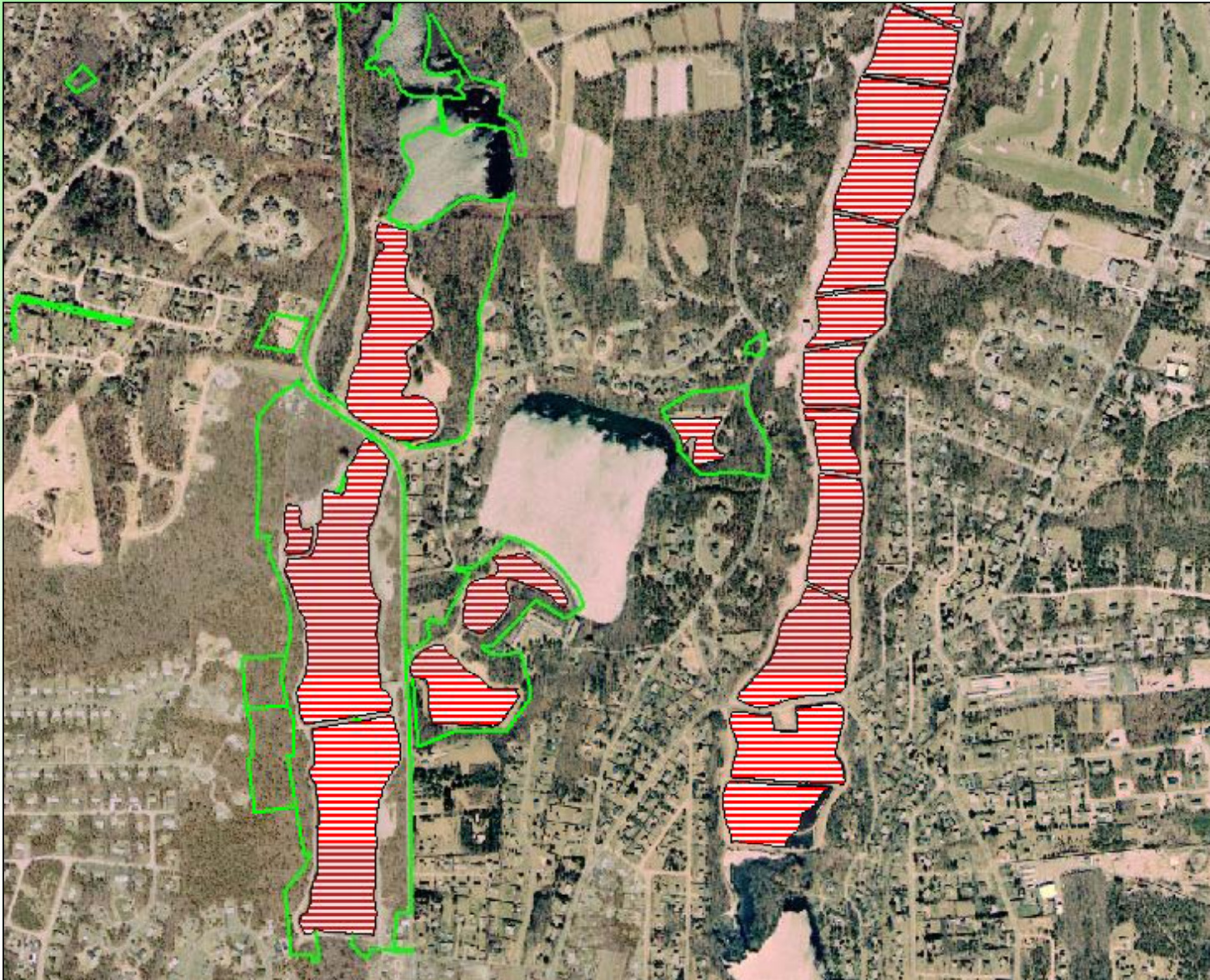
# Falmouth Bog Ownership (production area only)



But Upper & Lower Coonamessett equal only 20% of Town total



# Coonamessett River Bogs



Very Important:

Because land was purchased in 1973 with state Self-Help Grant funds, you need permission from EOE A for certain actions.

Upper and Lower CB:  
35+ acres,  
4300+ stream ft.

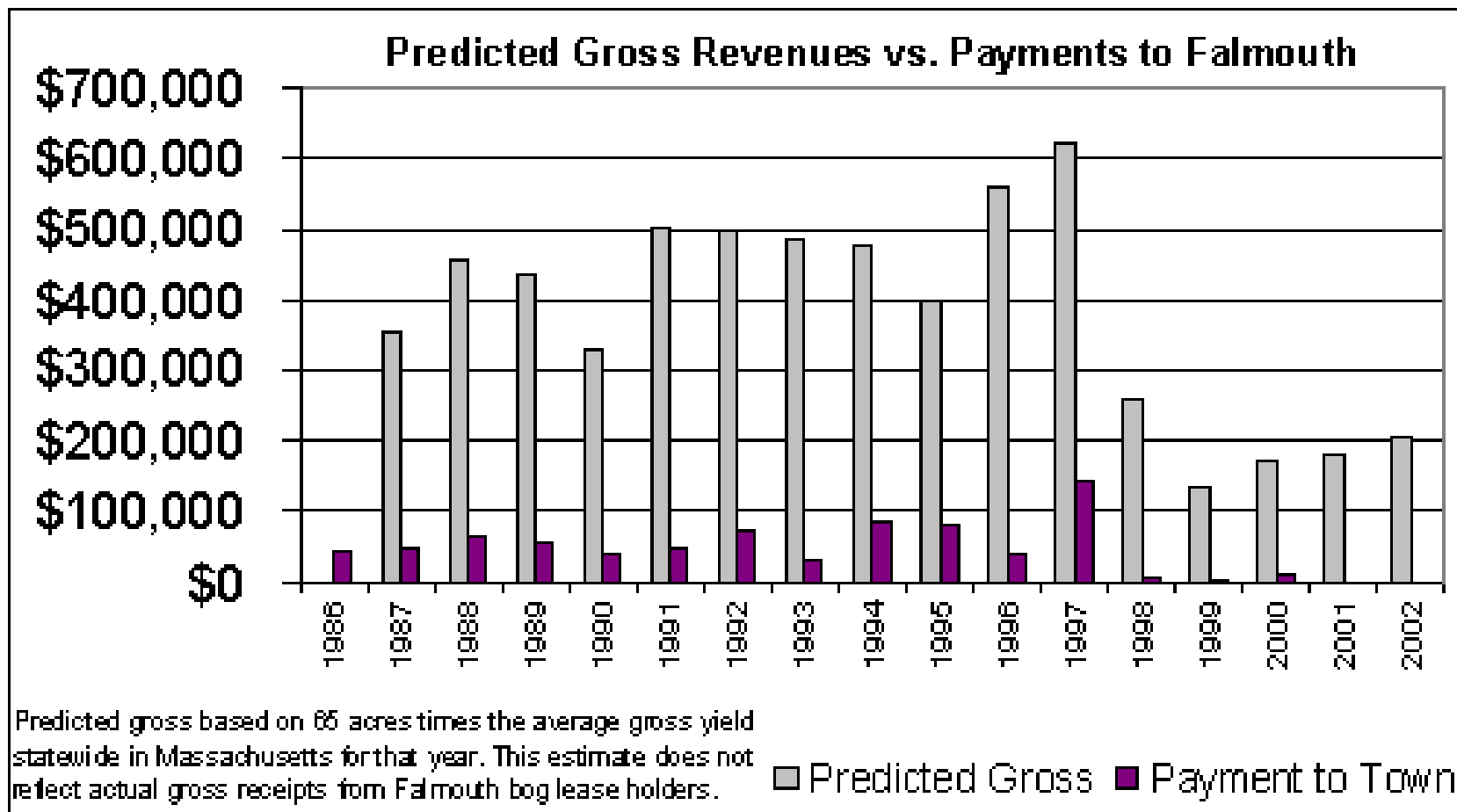
# Self Help Grant Conditions

“The Self-Help Program provides funds to conservation commissions for the purchase of conservation land.”

Regs (301 CMR 5.00) at: [www.state.ma.us/envir/dcs/pdf/regs.pdf](http://www.state.ma.us/envir/dcs/pdf/regs.pdf)

- 1) You must develop a 5-year Open Space and Recreation Plan
- 2) Land purchased must have public access and be open to all state residents (generally off street parking is required)
- 3) The land must be adequately posted that it is open to the public
- 4) Land shall be retained and used at all times for open space purposes in accordance with M.G.L. c. 132A, § 11, and St. 1977, c. 933 (but reversion and conversion provisions).

# Bog Income



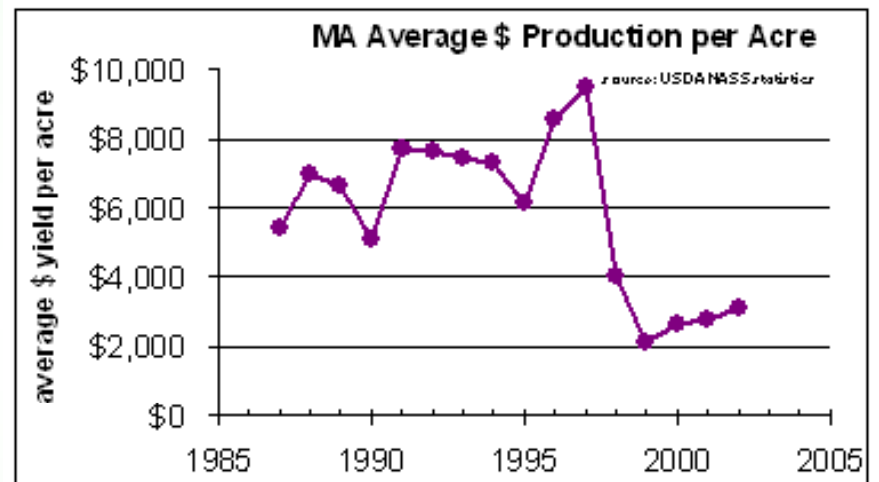
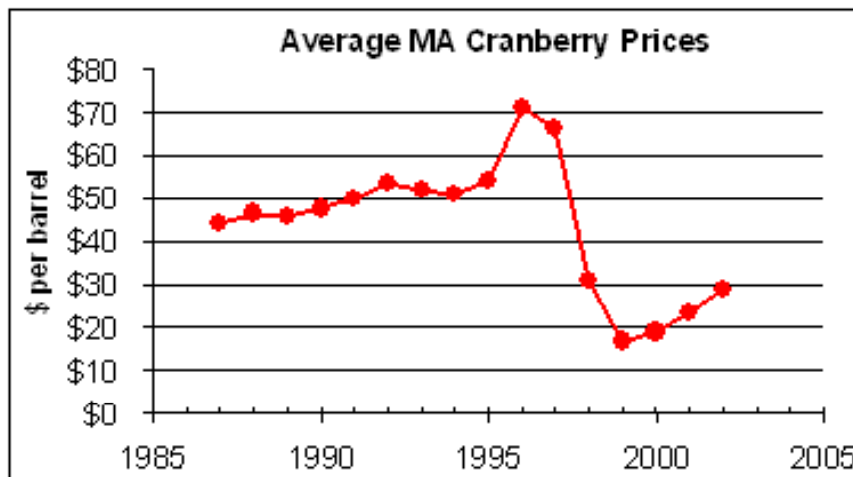


# Conservation Commission Authorities

- 1) Exclusively Owns and Manages Self-Help grant lands (c.f. 301 CMR 5.00)
- 2) Conservation Commissions are the only municipal board that can purchase land without approval of Town Meeting....  
but donated lands however must be approved by Selectmen.  
(MGL Ch. 40 Section 8 C)

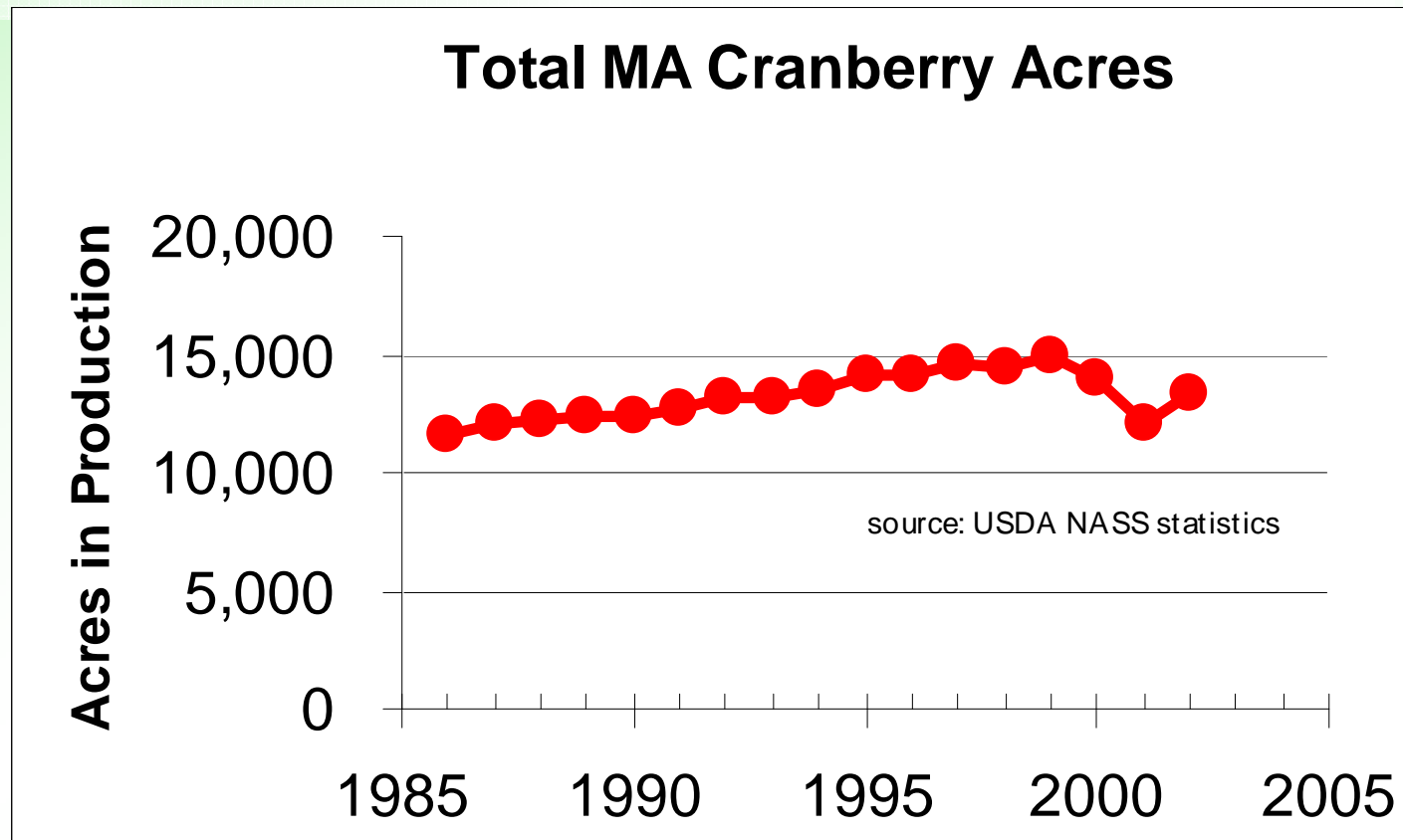


Long Term future of Falmouth bogs will not be determined by the Town policies, but economics of the industry.



- 1) Wisconsin and Canada producing cranberries at half or less the cost of Massachusetts Bogs
- 2) Industry concerns about China or Russia entering cranberry production. (Go to [www.cranberrystressline.com](http://www.cranberrystressline.com) to see various industry concerns.)
- 3) Exception: Niche markets like organic berries may remain competitive.

# State Trends in Cranberry Production.



# Technical Assistance from the Buzzards Bay Project

Grant Application Writing

Permitting

Project Review

Regulation Development

Preliminary Designs

Technical Guidance (herring, stormwater, & wetlands restoration)

Liaison and Interagency Coordination

Our Services are Free!



# BBP Technical Assistance: Spragues Cove Example



2 acre constructed wetland to treat stormwater

# Management Options and Technical Assistance from the Buzzards Bay Project

Between 1996 and 1998, the Buzzards Bay Project met with the Falmouth Conservation Commission and Falmouth Bog Committee.

Outcome: The Bog Committee was concerned about pesticide and nutrient release into the river, so the the BBP wrote a grant proposal for the town to DEP to separate the Coonamessett River from the bogs.

We received the grant, and the the town was to receive \$70,000 to begin the process.



EDB contamination of river from MMR killed the project and made the cranberries unmarketable. Funding was withdrawn.



But river has been restored by pump-and-treat technology



# Management Options must be decided by the Town and will be defined by your goals

What criteria and goals?

Maximize income to the town?

Maximize protection of water quality?

Maximize protection and value of herring run?

Minimize administrative responsibilities of Con Com?

Ensure cranberry production in perpetuity?

Public Access?

Wildlife Habitat?

Wetland Functions?

Others?

You must decide what  
you want before  
agencies can provide  
substantial technical  
assistance!

# Option 1: Sell the Bogs (not upland areas)

## What is required:

- 1) Majority approval of Conservation Commission and Town Meeting
- 2) ENF and MEPA filing with EOEA (Permission of the Secretary of EOEA)
- 3) 2/3 vote of the legislature
- 4) Would need to substitute an equivalent value (and area?) of new conservation land
- 5) Place an Agricultural Protection Restriction on the land before you sell it

## Cost: uncertain

## Benefits:

- 1) estimated \$200,000+ sale price (\$5,000 per acre x 42 acres)  
plus <\$1000 per year in property taxes
- 2) Town no longer in cranberry business

**Downside:** Expensive to replace 42 acres if required

# Option 1a: Sell the House

**Town has a year round house on cranberry property that could be sold to purchase conservation land to compliment River Restoration.**



## **What is required:**

- 1) Same requirements as selling the bogs Conservation Commission, Town Meeting, MEPA ENF Filing (Permission of the Secretary of EOE), and 2/3 vote of the legislature
- 2) Would need to substitute an equivalent value (and area?) of new conservation land (sell of 1 acre).
- 3) Fiduciary responsibility to obtain highest purchase price

**Cost: nil, but may not provide any extra funds for match**

## **Benefits:**

- 1) Estimated \$400,000+ sale price plus >\$2000 per year in property taxes
- 2) However, sale funds may need to be redirected 100% into new conservation lands, with no “excess” grant match
- 3) No maintenance or liability on home, septic system, etc.

**Alternative:** Rent the house separately (Chapter 30B procurement), Funds may not be able to go to the conservation fund, but the General Fund



# Option 2: Convert the Bogs entirely to wetland

## What is required:

- 1) Standard state, federal, and local wetland permits, MEPA Filing
- 2) Not a conversion as defined in regs so 2/3 vote of the legislature likely not needed

**Town Cost: nil (Actual costs would be perhaps hundreds of thousands of \$)**

## Funding Options:

- 1) US Department of Agriculture's Wetland Reserve Program (WRP) can fund the effort in its entirety. The enrolled bogs would be taken out of production for a certain number of years (10, 30 or in or in perpetuity) and the wetlands restored. The town could be given payments (one time or over a number of years) of up to \$5,000 per acre. No funds would likely be need by the town, and other agencies could contribute funds if necessary.
- 2) A number of other state and federal grant programs for river and wetland restoration

# Option 3: Perform minimal agricultural BMPs

## What is required:

- 1) Not a conversion as defined in Self-Help regs
- 2) Agricultural exemptions, very little permitting required
- 3) Farm Plan with pesticide and nutrient management must be developed
- 4) River bermed off, tail water recovery system (holding pond) constructed

**Cost: Probably \$400,000 to \$800,000 total construction costs, town's share is 25%**

## Funding Options:

US Department of Agriculture EQIP Program (Environmental Quality Incentives Program).

financial and technical help to install or implement structural and management practices on eligible agricultural land



## Option 3 cont'd: Agric. BMP Issues

- 1) This is not a River Restoration effort, so few grant funds are available for match. You are making the bogs comply with pesticide use regulations. You may end up with what looks like a large bog ditch.
- 2) The Conservation Commission must be in the driver's seat as the owner and landlord. Tenant's may change over time. You must decide best farm plan and BMP development.
- 3) Do you loose bog or upland for the Tail water Recovery system? (However, self help regs may prohibit the conversion of conservation land to farmland.)





## Option 3 Example: Stream in Carver





# Option 4a. Loose additional Bog area for true river habitat creation- River Not Moved

## What is required:

- 1) Not a conversion as defined in Self-Help regs
- 2) Agricultural exemptions, very little permitting required
- 3) Farm Plan with pesticide and nutrient management must be developed
- 4) River bermed off, tail water recovery system (holding pond) constructed
- 5) Willingness to give up bog area and income to

**Cost: Probably \$500,000 to \$900,000 total costs, Equip will require 25% match, but other wetland restoration Grants could reduce considerably town expenditures.**

## Funding Options:

- 1) US Department of EQIP Program
- 2) State WRP, DEP 319, Fish America, etc.



# Option 4b. Loose additional Bog area for true river habitat creation- River Moved

## What is required:

- 1) Same as 4a, but moving river could possibly involve federal and state permits, but a close reading of the regulations would be required

**Cost: Probably \$600,000 to \$1,200,000 total costs, Equip will require 25% match, but other wetland restoration Grants could reduce considerably town expenditures.**

## Funding Options:

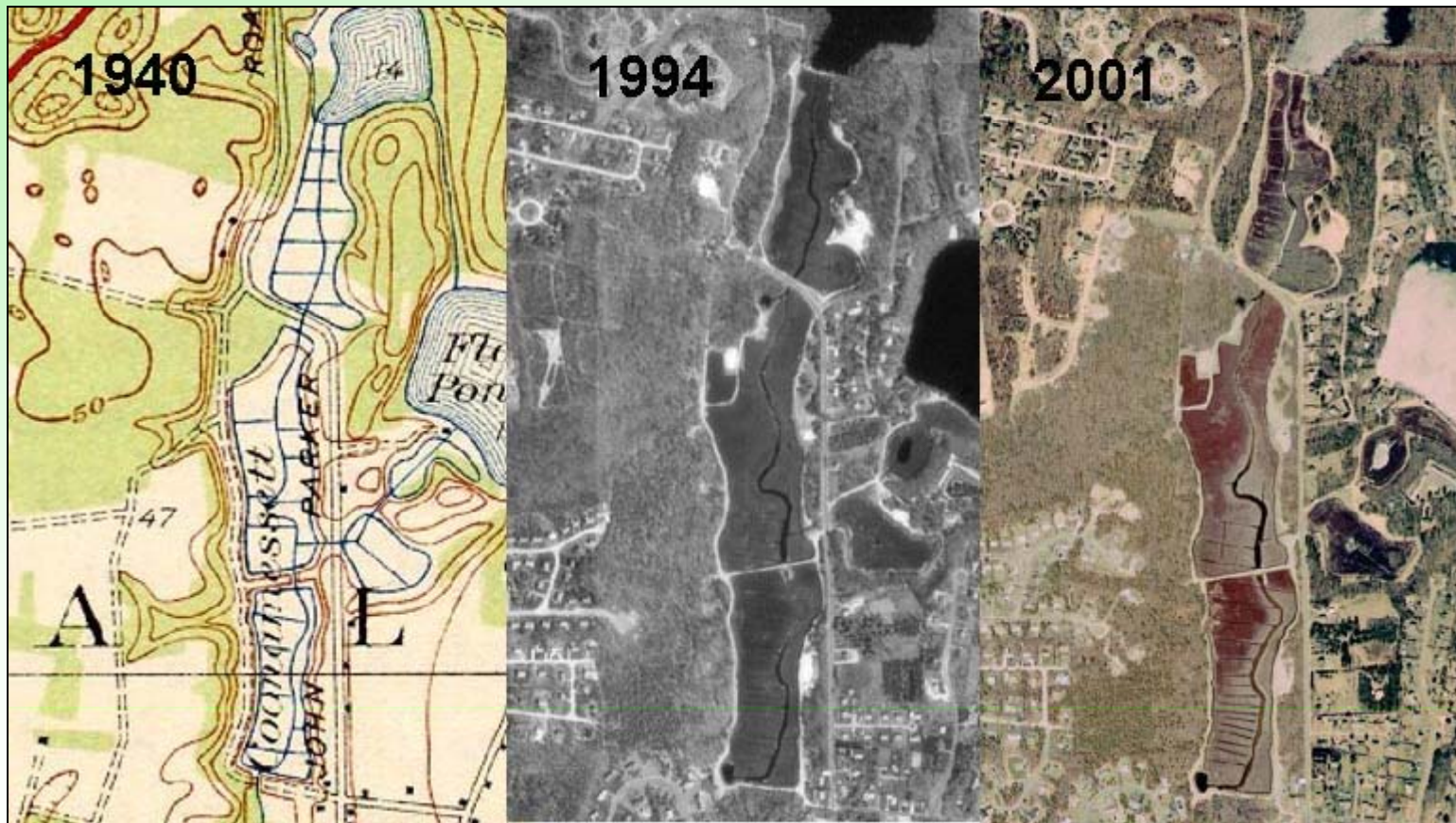
- 1) US Department of EQIP Program +
- 2) State WRP, DEP 319, Fish America, etc.



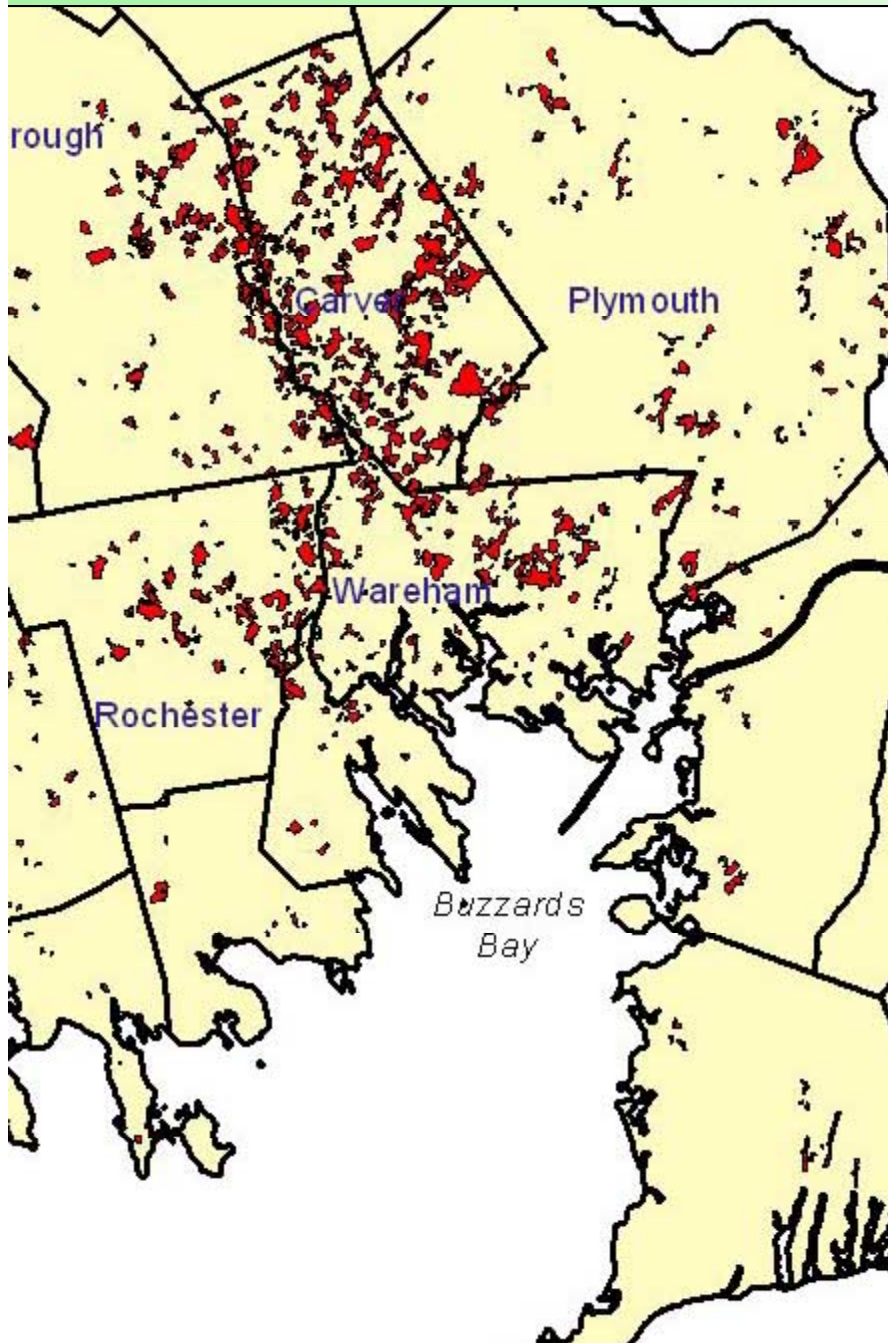
Stream bypass in Rochester



# River Relatively Fixed for Past 60 years

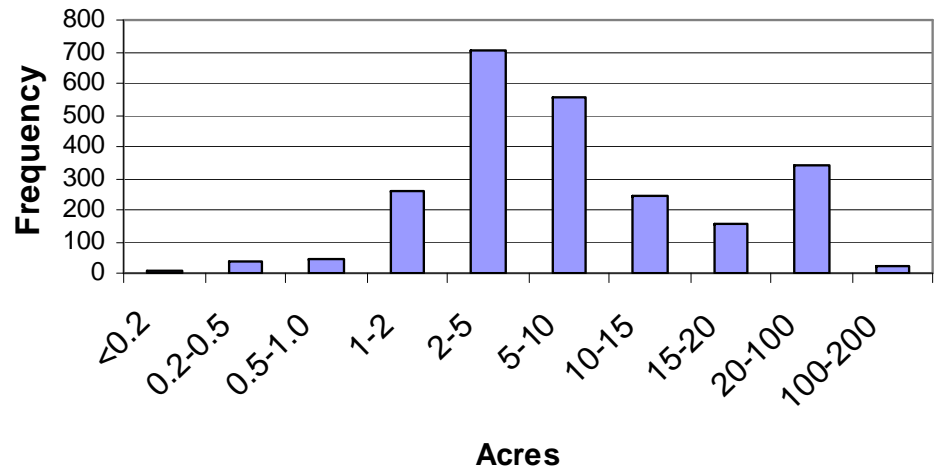






Frequency of Bog Size, SE MA

Mean= 13.8, Median =5.9



Is there a minimum bog size for profitability?

Three town owned segments of Coonamessett= 35 acres



## Coonamessett River Pictures

THE END

