



Cape Cod Cranberry Growers' Association

GROWER ADVISORY

Transfer of Water Management Act Permits and Registrations

The Massachusetts Water Management Act (WMA) requires cranberry growers who farm over a threshold acreage to hold a water management permit or registration. The threshold is 4.6 acres of “old style” bog or 9.3 acres of “new style” bog (bog that utilizes best management practices such as laser-leveling and tailwater recovery) per basin, as indicated on the permit or registration. Permits and registrations are **not** recorded in the property deed, and therefore do **not** automatically change ownership when a bog is sold.

In order for the new owner to use water on bogs that, per basin, exceed the threshold acreage, the owner must either obtain a transfer of the existing Water Management Act permit or registration, or apply for a new permit. This grower advisory is intended to guide a bog owner through the process of making the transfer.

The cost of the transfer is **\$215**. The two forms listed below must be completed.

1. **Transmittal Form & Number for Permit Application and Payment**
2. **BRP WM 01: Water Management Permit and/or Registration Transfer**

Forms and information can be accessed at:

<http://www.mass.gov/eea/agencies/massdep/service/approvals/brp-wm-01.html>

Tips Relating to Transfers:

- The process of transferring a permit is straightforward. In most cases bog owners can complete it themselves.
- Water Management permittees and/or registrants seeking to transfer water withdrawal registrations or permits must notify the Massachusetts Department of Environmental Protection (DEP) of the transfer at least 30 days before it is to take place. To fulfill this requirement, **send a letter to Water Management Staff at DEP indicating the location of the property that is being sold and the projected closing date** (contact information below). Once the sale is complete, submit the two forms.
- If a registrant has multiple bog locations within the same basin, the applicant must know how many acres are registered at each withdrawal point. The registration is point specific—that is, it cannot be moved from one withdrawal point to another.
- The grower whose name is on the Water Management permit or registration on **July 1** will be the party billed by the Department of Environmental Protection for the annual compliance fee the following January.
- A cranberry grower who is selling part of his or her bogs and is retaining ownership of less than the threshold 4.6 acres of “old style” bog or 9.3 acres of “new style” bog, is advised still to maintain a voluntary registration on the remaining property. In the event that the owner decides in the future to sell the rest of the bogs, the voluntary registration would be valuable to a buyer who already owns unregistered bogs in the basin. If the buyer’s total holdings will exceed the threshold acreage and there is no registration, he or she would have to incur a large expense in applying for a Water Management permit.

- Any grower who chooses **not** to maintain a voluntary registration on bogs should seek advice from the Water Management Staff at DEP or the Cape Cod Cranberry Growers' Association.
- If the change in ownership of a bog is among family members or to a new company name, the registration must still be transferred to reflect the name of the new owner.
- In the case of leased bogs, either the lessor or lessee may hold the permit or registration.
- If the new owner is planning to change the use of registered or permitted water to a non-cranberry use, water usage must be metered before a transfer can be obtained.

The information in this guide is provided by the Cape Cod Cranberry Growers' Association as a service to its members. The information represents our interpretation of the state requirements and by no means is intended to act as a substitute for reading and following the specific regulatory requirements.

The regulations that apply to transferring a Water Management Act permit or registration are:

Massachusetts General Laws Chapter 21, Section G
Water Management Act Regulations, 310 Code of Massachusetts Regulations (CMR) 36.00
Timely Action Schedule and Fee Provisions, 310 CMR 4.000

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