

## Grazing of Wetlands in Waterfowl Production Areas in Massachusetts

### Introduction:

Waterfowl Production Areas (WPA) are wetlands or grasslands critical to waterfowl and other wildlife, acquired pursuant to the Migratory Bird Hunting and Conservation Stamp Act or other statutory authority. The U.S Fish and Wildlife Service oversee the WPAs. The state office is located in Hadley, MA.

Prior to grazing animals in wetlands or near waterways, you need to familiarize yourself with the “*The Massachusetts Wetlands Protection Act*” (WPA) Massachusetts General Laws, Chapter 131, SS 40 which states that any person proposing to “remove, dredge, fill, or alter any bank, fresh water wetland, coastal wetland, beach, dune, flat, marsh, meadow, or swamp bordering on the ocean or on any estuary (a broad mouth of a river into which the tide flows.), creek, river, stream, pond, or lake, or any land under said waters or any land subject to tidal action, coastal storm flowage, or flooding”. **In order to legally work in any wetland, a person must obtain a permit known as an Order of Conditions from the local conservation commission.**

Many cities and towns have adopted local wetland laws that are more restrictive than the State’s Wetland Protection Act. Conservation commissions administer local and state laws governing wetlands. They are also responsible for open space planning, and acquisition and maintenance of land set aside for conservation through direct ownership or through conservation restrictions. Applicants must also obtain a list of abutters from the Assessors Office so that the abutters can be notified of the proposed project. The application, called the Notice of Intent (NOI), which describes the type and boundaries of resource areas and the type of work proposed, is submitted by the applicant to the Conservation Commission along with supporting plans. A professional engineer generally must stamp plans. A copy of the NOI is also submitted to the regional office of DEP, which issues a project number for the proposed activity. A legal notice is published in a local newspaper. Upon completion of these steps, the Conservation Commission opens the public hearing of the proposal. If the project is approved or approved with conditions, the Commission has up to 21 days to issue an Order of Conditions (OOC). Abutters, a group of 10 citizens, or the applicant have 10 days to appeal an approval to DEP. If the proposal is denied, the applicant can appeal the decision to DEP. If the project is appealed, MassDEP will issue a Superseding Order of Conditions (SOOC), either confirming or altering the original Order. Forms: WPA Form 3 Notice of Intent at <http://www.mass.gov/dep/water/resources/noi.htm>.

The purpose for grazing wetlands is not for livestock production or revenue

For grazing livestock in a WPA, contact the U.S. Fish and Wildlife Service in Hadley, MA. [northeast@fws.gov](mailto:northeast@fws.gov)

**Resources:**

Northeast Regional Office, U.S. Fish and Wildlife Service, 300 Westgate Center Drive, Hadley, MA 01035-9587. Phone: 413-253-8200. [northeast@fws.gov](mailto:northeast@fws.gov)  
Website: <http://www.fws.gov/northeast/ma.htm>

Massachusetts Wetlands Protection Act, Massachusetts General Laws, Chapter 131, SS 40, Massachusetts Department of Environmental Protection,  
Link: <http://www.mass.gov/dep/water/laws/ch131s40.pdf> , Phone: 617-292-5695

Massachusetts Association of Conservation Commissions, 10 Juniper Road, Belmont, MA 02478 Phone: 617-489-3930, Email: [staff@macweb.org](mailto:staff@macweb.org) Website: <http://www.maccweb.org/index.html>



