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May 16, 2008

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS  
ON THE  
ENVIRONMENTAL NOTIFICATION FORM

PROJECT NAME : Eel River Headwaters Restoration Project  
PROJECT MUNICIPALITY : Long Pond Road - Plymouth  
PROJECT WATERSHED : South Coastal  
EOEA NUMBER : 14220  
PROJECT PROPONENT : **Town of Plymouth**, Public Works, Environmental  
Management Division  
DATE NOTICED IN MONITOR : April 9, 2008

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H) and Section 11.06 of the MEPA regulations (301 CMR 11.00), I hereby determine that this project **does not require** the preparation of an Environmental Impact Report (EIR). The proponent requested a Full Waiver from its mandatory EIR review threshold. The Certificate on the ENF is contingent upon the granting of a Full Waiver in the Final Record of Decision (FROD). If a Full Waiver is not granted in the FROD, then the Secretary will reissue the Certificate on the ENF with an EIR scope.

According to the Environmental Notification Form (ENF), the proposed project consists of the restoration of the Eel River by reconfiguring the existing dam for fish passage, creating 7,600 linear feet (lf) of natural stream and fish habitat, restoring 38 acres of former cranberry bogs to their natural conditions with native vegetation, creating 7 acres of Riverfront Area, and improving overall watershed hydrology. The proponent will sequence construction in the following way: construct the improvements in Bogs 4 through 7; construct improvements to Bogs 1 through 3 and install new culverts under Long Pond Road and The Nature Conservancy (TNC) driveway; and reconfigure the dam and restore Sawmill Pond. The project includes the removal of 6800 cubic yards (cy) of impounded sediments from Sawmill Pond. It also includes the excavation of approximately 30,000 cy of material from the cranberry bogs. The sediment and the excavated material will be dewatered and used as fill in former sand borrow areas within the project site. Samples of the sediments and excavated material will be analyzed for

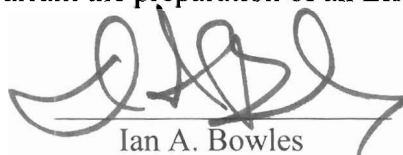
contaminants. Any contaminated soil will be properly disposed of. The project will create an additional two acres of wetlands. The proponent will construct a new naturalized river system similar to historical conditions. The bogs will be regraded to a series of sloped peat lands; each drained by a meandering segment of the restored Eel River. The bog restoration will include the planting of White Cedars and Red Maples to eventually create a functioning swamp/wetland. The project site is approximately 159 acres.

The project requires a mandatory EIR pursuant to Sections 11.03(3)(a)(1)(a) of the MEPA regulations because it alters one or more acres of Bordering Vegetated Wetlands (BVW). It will require a Section 401 Water Quality Certificate, a Demolition Letter for dam removal, and a Chapter 91 Waterways Permit for dredge removal from the Department of Environmental Protection (MassDEP). The proponent will consult with the Natural Heritage and Endangered Species Program (NHESP) under the Massachusetts Endangered Species Act regarding the measures necessary to avoid a "Take" of rare species during the restoration activities. It will also consult with the Massachusetts Historical Commission (MHC) regarding historical and archaeological resources impacted by the project. The project may require a Section 10 Permit and a Section 404 Authorization from the U.S. Army Corps of Engineers. It may need to comply with the National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges from a construction site. The project will require an Order of Conditions from the Plymouth Conservation Commission for impacts to wetland resource areas (river and wetlands restoration) as a potentially "limited" project. Because Commonwealth funds will be utilized on this project, MEPA jurisdiction extends to all aspects of the project that may have significant environmental impacts.

According to the information supplied by the proponent, the project will impact the following wetland resource areas: 4,390 lf of Bank (temporary); 1,590,350 sf of BVW (temporary); 1,192,830 sf of Riverfront Area (RA) (temporary), 261,880 sf of Bordering Land Subject to Flooding (BLSF) (temporary), and 52,190 sf of Land Under Water (LUW) (temporary). Approximately 7,640 lf of Bank, 1,663,420 sf of BVW, 1,508,320 sf of RA, 261,880 sf of BLSF, and 153,580 sf of LUW are created by the project. The project creates seven new acres of RA and two acres of additional wetlands.

Based on a review of the information provided by the proponent, a review of the comment letters, and after consultation with the relevant public agencies, I find that the potential impacts of this project do not warrant the **preparation of an EIR.**

May 16, 2008  
Date



Ian A. Bowles

Comments received:

MCZM, 4/10/08

MHC, 4/22/08

MA Division of Marine Fisheries, 4/25/08

Town of Plymouth, 5/6/08

MassWildlife, 5/6/08

MassDEP/SERO, 5/9/08

The Nature Conservancy, 5/9/08

MassDEP/SERO, 5/9/08

MA Riverways Program, 5/13/08

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