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July 18, 2007

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS  
ON THE  
FINAL ENVIRONMENTAL IMPACT REPORT

PROJECT NAME : Naval Air Station Redevelopment Project  
PROJECT MUNICIPALITY : Abington, Rockland and Weymouth  
PROJECT WATERSHED : Weymouth and Weir, North and South Rivers,  
and Taunton  
EOEA NUMBER : 11085R  
PROJECT PROPONENT : South Shore Tri-Town Development Corporation  
(SSTTDC) and LNR South Shore LLC  
DATE NOTICED IN MONITOR : June 11, 2007

As Secretary of Energy and Environmental Affairs, I hereby determine that the Final Environmental Impact Report (FEIR) submitted on this project **adequately and properly complies** with the Massachusetts Environmental Policy Act (M.G.L. c. 30, ss. 61-62H) and with its implementing regulations (301 CMR 11.00).

I applaud the proponent for its progress in designing a project that will redevelop the South Weymouth Naval Air Station as a new, transit-oriented, smart-growth community. The proponent has incorporated a number of meaningful sustainable design elements, notably those related to density, transportation, wastewater, and water use, that will minimize the environmental impacts of future development on the project site. These innovative measures will serve the Commonwealth and local communities well. While the proponent has not provided a similar level of treatment for energy generation and consumption, the proponent is undertaking a feasibility study, funded by the Division of Energy Resources, for an on-site community district heating system and renewable energy use, and will encourage future site developers to incorporate measures to enhance energy efficiency. I believe, on balance, that the project advances the goals of sustainable development and will achieve significant environmental benefits.

I would like to extend my appreciation to the Citizens Advisory Committee (CAC) for their invaluable role in reviewing and commenting on the FEIR and previous filings. With the

CAC's service now concluded, I thank all current and previous CAC members for their extraordinary commitment of time and the depth of their engagement with the materials, which has greatly assisted my review of the project.

The information and analysis presented in the FEIR has provided extensive information and analysis valuable to the review process. The proponent made substantial progress to address key issues of concern such as wetlands and rare species impacts, transportation issues, and long-term sustainability benefits of the project. I have carefully reviewed the FEIR and the many thoughtful and comprehensive comments from the CAC, residents, community groups, environmental organizations, elected officials and public agencies. While additional detail is necessary to define and formalize some aspects of the proposed mitigation, the MEPA regulations require me to determine that a FEIR is adequate, even if certain aspects of the project or issues require additional analysis of technical details, provided that I find that the aspects and issues have been clearly described and their nature and general elements analyzed in the FEIR or during MEPA review, that the issues can be fully analyzed prior to any agency issuing its Section 61 Findings, and that there will be meaningful opportunities for public review of the additional analysis prior to any agency taking action on the project. As described in more detail in this Certificate, after examining the record before me, I find that there is enough information on alternatives, impacts, and mitigation to meet that standard. While comment letters from the state agencies identify several areas where additional analysis of technical details and further development of mitigation plans is required, these issues can be addressed in the permitting process.

However, I wish to note my disappointment that a project characterized by so many positive attributes and a stated commitment to achieving significant environmental benefits did not provide a more specific presentation of certain project details, including mitigation. I recognize that the project faces unique and in some instances daunting challenges as a major redevelopment project of an urban military base. I also recognize that, fundamentally, the project's design will realize benefits greater than those that would be achieved by a more traditional development. Nonetheless, while the FEIR meets the test for adequacy pursuant to 301 CMR 11.08(8)(c), I believe that the MEPA process has not been as well served as it could have been. As a result, it will be more difficult to achieve the goal of expeditious permitting for this project.

While I find that the FEIR adequately and properly complies with MEPA, I am directing the proponent to finalize clear and enforceable mitigation commitments in consultation with the state permitting agencies. I am requiring that the proponent provide for public review and comment final Draft Section 61 Findings for permits and approvals required from the Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program (NHESP), Massachusetts Bay Transportation Authority (MBTA), and the Executive Office of Transportation (EOT)/MassHighway, once the mitigation plans have been further developed and prior to final agency actions on the Conservation and Management Permit, MBTA Land Transfer and EOT transportation approvals. In addition, I am requiring that the proponent file a Project Update document as further described below. This document will be for informational purposes and its availability will be noticed in the *Environmental Monitor*.

## PROJECT DESCRIPTION

While the overall redevelopment program has not changed since the filing of the DEIR (October 16, 2006), there have been some important changes made to reduce environmental impacts. In particular, the East-West Parkway has been realigned, resulting in a significant decrease in wetlands impacts and eliminating the need for a Variance from the Wetlands Protection Act. Housing proposed on the eastern portion of the site has been relocated to the Village Center, thereby protecting additional upland forest and rare species habitat. Further progress has been made with regard to water supply and wastewater treatment system design to increase the use of recycled water and avoid potential breakout from wastewater leaching fields.

The proposed project (also referred to as *The Village Center Plan* and *SouthField* in the FEIR) consists of up to 2,855 residential units, 2 million square feet (sf) of commercial/industrial space, an 18-hole golf course, active and passive recreational amenities, and institutional space (including sites for a school and civic/community facilities). The project also involves associated infrastructure development including an on-site wastewater treatment facility, and water supply infrastructure, road construction and other transportation improvements, and a multi-modal transportation center based on expansion of the existing commuter rail station in South Weymouth. The project is proposed for implementation in three phases<sup>1</sup> over a 14-year period.

The former Naval Air Station (NAS) encompasses an area of approximately 1,386 acres<sup>2</sup> and includes approximately 318 acres of existing impervious area. The project has been designed to concentrate development in previously developed areas. According to the FEIR, the project will result in alteration of approximately 561 acres and creation of 22 acres of net new impervious area. The maximum acreage of impervious area allowed under zoning is 350 acres.

The proposed project is expected to generate approximately 34,000 average daily vehicle trips. The FEIR proposes a range from 8,770 to 12,220 parking spaces (the differential is due mainly to minimum-maximum estimates for residential units). Wildlife habitat impacts are estimated at approximately 280 acres, which includes a significant amount of state-listed species habitat. According to the FEIR, the project will impact approximately 3,620 sf of Bordering Vegetated Wetlands (BVW), 2,055 sf of Land Under Water (LUW), 220 linear feet of Bank, 260 sf of Bordering Land Subject to Flooding (BLSF) and 154,000 sf of Riverfront Area. The project will also impact approximately 8,950 sf of Isolated Vegetated Wetlands (IVW)<sup>3</sup>.

Water demand for potable and commercial uses is estimated at 1.05 million gallons per day (mgd). Irrigation water requirements are estimated at up to 300,000 gallons per day (gpd) for the golf course and 200,000 (gpd) for other site uses. The project will generate approximately 0.65 mgd of wastewater and provide on average approximately 0.4 mgd of reclaimed water for biotechnology and other commercial uses. The preferred water supply alternative identified in

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<sup>1</sup> Phase I of the project includes a "Phase 1A" portion, which was granted a Phase I Waiver pursuant to the Certificate on the Notice of Project Change, dated February 10, 2006.

<sup>2</sup> The NAS includes an additional 64-acre Coast Guard housing area that is not being transferred as part of the redevelopment project.

<sup>3</sup> According to the FEIR, the IVW is not subject to regulation under the Wetlands Protection Act. Approximately 2,565 sf of impacted IVW is subject to federal jurisdiction.

the FEIR is a direct connection with the Massachusetts Water Resources Authority (MWRA) water works system. The proponent is also proposing an on-site well combined with use of reclaimed wastewater to meet some of the project's water supply needs. The project will impact 45 acres of soils classified as prime agricultural soils, or soils of state or local significance. Other project impacts include air quality impacts associated with construction, transportation, and building energy use, and solid waste generation associated with construction and operations.

## JURISDICTION AND PERMITS REQUIRED

The proposed project exceeds a number of thresholds for a mandatory EIR review, including thresholds pertaining to land alteration, creation of impervious area, vehicle trip generation and parking spaces, water supply, and wetlands. The project is also undergoing MEPA review because of potential impacts to rare species, and historical and archaeological resources, and because of impacts associated with wastewater generation.

The project is undergoing MEPA review and requires the preparation of a mandatory EIR pursuant to: Sections 11.03(1)(a)(1) of the MEPA regulations because it will result in alteration of 50 or more acres of land; 11.03(1)(a)(2) because it involves creation of 10 acres or more of impervious area; 11.03(3)(a)(2) because it previously involved (at DEIR stage) an alteration requiring a variance in accordance with the Wetlands Protection Act; 11.03(3)(a)(1)(a) because it previously involved alteration of one or more acres of bordering vegetated wetlands (at DEIR stage); 11.03(4)(a)(3) because it involves construction of new water mains ten or more miles in length; 11.03(4)(a)(2) because it involves a new interbasin transfer of water of 1,000,000 or more gpd; 11.03(4)(a)(3) because it involves construction of 10 or more miles of new water mains; 11.03(6)(6) because it involves generation of 3,000 or more new vehicle trips per day on roadways providing access to a single location; 11.03(6)(6) because it involves construction of 1,000 or more parking spaces. The project is also undergoing review pursuant to 11.03(2)(b)(2) because it will involve a "taking" of an endangered or threatened species or species of special concern; 11.03(5)(b)(1) because it involves construction of a new wastewater treatment facility with a capacity of 100,000 or more gpd, and 11.03(5)(b)(3)(c) because it involves ½ mile or more of new sewer mains.

The project requires a wide range of state, federal and local permits including a MassHighway Access Permit and other EOT approvals, a Conservation and Management Permit from NHESP, a Land Transfer Approval from MBTA, and an Interbasin Transfer Act (ITA) Permit from the Water Resources Commission (WRC). The project requires a Groundwater Discharge Permit, Water Management Act (WMA) Permit, Sewer Extension Permit, Chapter 91 License, 401 Water Quality Certification, and Water Supply Distribution System Modifications Permits from the Massachusetts Department of Environmental Protection (MassDEP). The proponent is also required to submit a Notice of Intent to MassDEP for stormwater discharge to outstanding resource waters. The project requires Orders of Conditions from the local Conservation Commissions (and, on appeal only, a Superseding Order from MassDEP). The project involves funding from the Commonwealth of Massachusetts. Therefore, MEPA jurisdiction is broad and extends to all aspects of the project with the potential to cause Damage to the Environment as defined in the MEPA regulations.

## FEIR REVIEW

### Alternatives

The FEIR includes additional information on the proponent's alternatives analysis including a comparison of the FEIR preferred alternative with the project as proposed in the DEIR and a reduced-build alternative. The FEIR preferred alternative reduces the net amount of new impervious area by 10 acres (from 32 in the DEIR to 22 acres in the FEIR) as a result of the elimination of housing on the east side of the NAS, and narrowing of the Parkway. The FEIR preferred alternative significantly reduces wetlands alteration (from 60,984 sf to less than 3,620 sf of BVW) primarily as a result of realignment of the East-West Parkway. The FEIR alternative also reduces impacts to Box Turtle habitat from 27.5 acres to 12.2 acres. Further evaluation and redesign of water and wastewater systems has resulted in a preferred alternative that will require 0.65 mgd of potable water, rather than the 1.4 mgd amount proposed in the DEIR.

### Transportation

#### *Route 18 Improvements and Phase I Interim Traffic Mitigation*

The Town of Weymouth has expressed concern about potential traffic impacts if Route 18 improvements are not completed prior to occupancy. Based on the FEIR and comments received from EOT, it appears that the Route 18 intersection improvements will be substantially completed prior to Phase I occupancy.

If Route 18 improvements are not substantially complete six months prior to expected occupancy of Phase I, the proponent should notify the towns of Weymouth, Abington and Rockland and initiate a planning process to develop an Interim Traffic Management Plan, to be approved by EOT/MassHighway, and to remain in effect from the time of occupancy until all intersection improvements are substantially complete. The proponent should work closely with the towns and MassHighway/EOT to develop the interim mitigation plan. The public, town departments and elected officials should be given a period of no less than 30 days to comment on a draft of the plan before it is finalized and takes effect. If an Interim Traffic Mitigation Plan is required, the proponent should submit the draft plan with a Notice of Availability to MEPA for publication in the *Environmental Monitor*. The Notice of Availability should include information on comment deadlines, how to obtain and review copies of the draft plan, and where comments may be sent.

#### *East-West Parkway*

As required by the Scope of the Certificate on the DEIR, the FEIR includes further evaluation of alternative alignments for the East-West Parkway to avoid the need for Variance from the Wetlands Protection Act. The alignment proposed in the FEIR will significantly reduce wetlands impacts and no longer requires a Variance. In addition, the cross-section of the Parkway has been narrowed and the 16-foot median proposed in the DEIR has been eliminated to further reduce wetlands impacts. EOT's review of traffic operations analyses shows that

acceptable levels-of-service are expected with minimal impact associated with the reduction from four lanes to two lanes for a section of the Parkway. As discussed in more detail below, the realignment of the Parkway will require a land transfer from MBTA.

The proponent should analyze traffic operations for the internal intersections along the Parkway configured as roundabouts, which, as further detailed in the EOT comment letter, can promote slow travel speeds and have documented safety benefits. MassHighway will require further investigation of roundabout design as part of the design process.

MassHighway's noise policy and guidelines is applicable to state funded roadway projects and the proponent should include an assessment of noise mitigation for each potentially affected residence as part of the final Draft Section 61 Findings. I refer the proponent to the EOT comment letter and applicable guidelines, and note that the proponent is responsible to determine and implement feasible measures to mitigate these impacts.

The proposed East-West Parkway roundabout connecting with the Multi-Modal Center will be located on top of the West Gate Landfill and the Coast Guard Buoy Facility. MassHighway has expressed concerns that the proposed landfill cap may result in an inappropriate foundation for roadway construction, and that subsurface components of the roadway could threaten the integrity of the soil cap. The proponent should provide additional information to EOT to demonstrate that the proposed cap is compatible with the proposed parkway use, or that the proponent will fund a clean-up method that would support the roadway. The proponent should also secure from the Navy, and provide to EOT, an adequate schedule for the clean-up that corresponds with the overall project schedule.

The FEIR presented conflicting information regarding impacts to the Rubble Disposal Area (RDA). Based on consultations with the proponent, it is my understanding, and that of the Massachusetts Department of Environmental Protection (MassDEP), that the East-West Parkway has been designed to avoid the Rubble Disposal Area (RDA), as indicated in the FEIR Response to Comments (MEPA.21 page 14-6).

Comments from the Town of Weymouth express support for the development plan and the proposed changes since the DEIR. The proponent should coordinate closely with the Mayor's Office on parkway design and off-site mitigation, and provide additional information as requested in the Town of Weymouth letter. The proponent should work closely with Weymouth to coordinate mitigation plans for Columbian Square with the design study being undertaken by the town. The proponent should begin design work, and implement intersection improvements for Columbian Square, as early as possible. The proponent should also coordinate with Weymouth and other host communities to provide periodic progress updates during the construction period. I expect the proponent to implement traffic monitoring subject to final Section 61 Findings to gauge the effectiveness of traffic mitigation, and to work with the communities to ensure construction related impacts are avoided and minimized or mitigated to the maximum extent feasible.

*Right-of-Way*

The FEIR preferred alignment of the East-West Parkway would significantly impact the MBTA parking lot, which the proponent is negotiating to acquire through a land swap. The eastern end of the Parkway also involves significant property takings. As noted in the FEIR, it is estimated that 38 parcels will be affected by the project based on current design plans, which are at a conceptual level of development. The majority of property impacts range from five to fifteen feet of "strip" takings along the edge of roadways. I note EOT's comment that all necessary agreements to effectuate those taking should be in place prior to advertising the project for construction or design/build.

*Multi-Modal Center*

The proponent should provide EOT with additional information as requested in its comment letter, including a full discussion of implementation steps for the Multi-Modal Center development, a status and timeline for the Coast Guard facility relocation and site clean-up and for MBTA agreement on proposed changes to the South Weymouth Commuter Rail station, and the scope for National Environmental Policy Act (NEPA) analysis that would be required by the Federal Highway Administration or the Federal Transit Authority in order to approve any earmarked funds that may be provided for the project.

*MBTA Land Transfer and Rail Capacity Issues*

As discussed in the FEIR, the Parkway realignment will require relocation of the MBTA commuter rail parking lot. The proponent should work closely with the MBTA regarding the configuration of the multi-modal transportation center and parking supply, and related issues associated with the land transfer approval required for the project. As indicated in its comment letter, the MBTA is amenable to the concept of a relocated station as long as the project meets design standards enumerated in the MBTA comment letter. However, the MBTA has expressed concern that the proponent has not satisfied its requirements relating to parking, and that the parking supply as proposed in the FEIR is too small and would not be sufficient to support future transit demand. The proponent should provide a Parking Supply Alternatives Analysis, including financial assessments, to MBTA as further detailed in its comment letter. The proponent should consult with MBTA prior to performing the analysis in order to develop a scope of work for the study. The U.S. Environmental Protection Agency (EPA) has also commented on potential parking shortages and the benefits of a parking garage to minimize impervious area and the Metropolitan Area Planning Council (MAPC) has expressed concern that the relocated parking lot may adversely affect plans for the Transit Village, including the number of housing units. The proponent should consider EPA and MAPC comments and recommendations and clarify any changes in design plans as part of the final Draft Section 61 Findings.

The FEIR includes an assessment of transit ridership and impacts to existing transit network. While the MBTA is satisfied that the assessment was prepared properly, it questions the proponent's statements and assumptions about how additional capacity demand would be managed, including the extent to which bi-level coaches may help resolve capacity issues. MBTA also notes that expansion plans for South Station, which has limited track storage area,

cannot be implemented immediately and concludes that bi-level coach use on the rail line serving the project would only increase capacity by approximately 40 seats. MBTA will require that the proponent perform a Transit Demand Management Procedures Study and a Train Capacity Assessment

The proponent should consult with MBTA and provide additional information and analysis as required above, and in the MBTA letter. The proponent shall finalize clear and enforceable mitigation commitments in consultation with the state permitting agencies. As a condition of this Certificate, I am requiring that the proponent file final Draft Section 61 Findings with MEPA for public review and comment prior to any final approval of land transfer or other MBTA agency action related to the project. As stated in its comment letter, the MBTA is unwilling to execute a Section 61 Finding unless a Parking Supply Alternatives Analysis is performed by the proponent. MBTA will require the proponent to take all reasonable and feasible steps to implement mitigation measures and set forth a clear schedule to advance recommendations of the studies. I expect that details on the alternatives analysis, final design and mitigation commitments will be forthcoming in the final Draft Section 61 Findings to be filed with MEPA by the proponent prior to state agency action by MBTA.

#### *Traffic Model*

Since the filing of the DEIR, and in response to requests from the CAC, the proponent has worked with Central Transportation Planning Staff (CTPS) of the Boston Metropolitan Planning Organization (MPO) to refine the calibration of the traffic model. The FEIR includes the results of a revised transportation impacts analysis based on the refined model. Other changes since the DEIR include a new emphasis on traffic calming measures as mitigation in many locations rather than signalization or other capacity improvements that might induce additional cut-through traffic. The FEIR includes proposed intersection improvements and traffic calming measures.

#### *Transportation Demand Management*

The proponent has also reaffirmed its commitments to fund a clean-fuel shuttle service, build a new multi-modal transportation center, integrate sidewalks and bike paths, and promote a range of transportation demand management (TDM) measures. The proponent has committed to establishment of a Transportation Management Association (TMA) and continued coordination with MBTA to additional commuter rail and transit capacity needs. The FEIR provides additional details on the TDM program, which includes: car and van pool programs; preferential parking for high-occupancy, hybrid and clean-fuel vehicles; form-based zoning codes that limit parking spaces, TMD requirements for large employers; and public outreach. The FEIR includes TDM goals to which the proponent has committed to reduce vehicle use. The proponent has committed to a 15% reduction in vehicle trip generation for Phase 1, a 25% reduction for Phase 2 and a 30% reduction for Phase 3, as compared to ITE trip generation rates. The proponent should revise its goals to measure performance in trip reductions against the rates predicted by the CTPS modeling, which were considered the most appropriate trip generation rates to use for the project's impact assessment. I strongly encourage the proponent to consider the comments and



recommendations from the MAPC, Old Colony Planning Council (OCPC), and the towns of Weymouth, Abington and Rockland as it develops detailed transit and TDM plans.

The FEIR indicates that 75% or more of trips from the proposed development to the commuter rail will be non-automobile, based on site planning, shuttle services and other TDM commitments. In its comment letter, MBTA applauds the proponent for its commitment to this TDM goal. As part of its Section 61 Findings, MBTA will require the proponent to propose and implement specific transit management strategies to encourage residents to walk or use the shuttle service to the maximum extent feasible. MBTA will also require that the proponent survey transit users and implement new TDM measures if use of automobiles from the development to the commuter rail exceeds 25%. The final Draft Section 61 Findings should include a clear mechanism for enforcement and funding of TDM commitments.

### *Traffic Monitoring*

The FEIR includes additional information on the proponent's monitoring plan for construction and operational phases. The traffic monitoring plan includes monitoring of fourteen intersections proposed for mitigation and ten roadway links to be monitored as part of the baseline traffic count. The FEIR proposes monitoring after completion of each development phase, or on a biennial basis beginning after the first buildings are occupied. According to the FEIR, monitoring locations may be modified and the proponent will work with the towns on supplemental mitigation measures if results indicate significant differences (defined as more than 10 percent) in trip generation or distribution compared to CTPS forecasts. The proponent should work with EOT/MassHighway to define the scope and schedule of the monitoring plan, and define parameters to be measured and thresholds for additional mitigation requirements. The proponent shall finalize clear and enforceable mitigation commitments in consultation with the state permitting agencies. The final Draft Section 61 Findings should describe in detail the action that the proponent will take if monitoring indicates that trip reduction goals are not being achieved. The final Draft Section 61 Findings should include comprehensive and detailed monitoring plans that will ensure mitigation is implemented prior to, or when appropriate, in relation to environmental impacts. As a condition of this Certificate, I am requiring that the proponent file final Draft Section 61 Findings with MEPA for public review and comment prior to any MassHighway permit or other EOT agency action related to the project.

### *Mitigation Commitment and Funding*

The proponent shall finalize clear and enforceable mitigation commitments in consultation with the state permitting agencies. The proposed improvements will require significant investments in transportation infrastructure and will require close cooperation between the proponents and appropriate state and federal agencies. Since the FEIR was filed, the proponent has continued consultations with EOT regarding ownership and responsibilities, including financing of the Parkway, Route 18 improvements and multi-modal transportation center. In a letter to the proponent, dated June 15, 2007, EOT outlines preliminary understandings and a process and schedule to develop an agreement between the proponent and the Commonwealth with respect to responsibilities for transportation aspects of the project. A more comprehensive Memorandum of Agreement is expected by the end of July 2007. The EOT

has indicated that the MOA may allow funding of the Parkway component to proceed without NEPA requirements since federal funding will not be used. However, it has not yet been determined if NEPA will be triggered by the \$8 million High Priority Project fund earmark proposed for the Multi-Modal Center. In its comment letter, EOT notes that it will continue to work closely with the South Shore Tri-Town Development Corporation (SSTTDC) to ensure that the project meets all access and connectivity requirements, ownership criteria for federal funding, and to identify the best way to fund, program, permit, and expedite these improvements. The draft Section 61 Findings to be filed in accordance with this Certificate should include a copy of the final, or most recent draft, of the MOA.

### Rare Species

The proponent is proposing a range of impact minimization measures and net-benefit mitigation, which includes permanent habitat protection, modifications to golf course and East-West Parkway design, a long-term habitat management plan, turtle protection during construction, species monitoring and conservation research, and off-site grassland bird habitat mitigation. The FEIR (section 13.5.2) outlines endangered species mitigation proposals, which are intended to serve as the basis for a Conservation and Management Permit. As noted in the NHESP comment letter, additional details on proposed mitigation were provided to NHESP in a letter from the SSTTDC dated August 3, 2006 and in a follow-up letter from NHESP to SSTTDC, dated October 10, 2006.

Based on the endangered species impact minimization and mitigation measures proposed to date, and described in the FEIR, the NHESP expects to be able to issue a Conservation and Management Permit for the project. However, additional details remain to be resolved before the NHESP will be able to issue a permit, as further detailed in the NHESP comment letter.

The proponent shall finalize clear and enforceable mitigation commitments in consultation with the state permitting agencies. As a condition of this Certificate, I am requiring that the proponent file final Draft Section 61 Findings with MEPA for public review and comment prior to issuance of a Conservation and Management Permit or other NHESP agency action related to the project.

### Wetlands and Stormwater Management

The FEIR provided additional detail on baseline conditions, impacts and mitigation pertaining to on and off-site wetland resource areas. The proponent has committed to East-West Parkway design changes that will significantly reduce wetlands impacts and avoid the need for a Variance. These design changes include relocation of the Parkway access to Route 18 at the western end of the alignment, measures to reduce shading impacts in wetland impact areas K and L, a retaining wall in wetlands impact area M, the use of elevated roadway spans and reduced Parkway cross-section (from four lanes to two) for an approximately 3,000-foot portion of the Parkway in the vicinity of the Old Swamp River bridge and wetland impact areas K and L. The Parkway realignment at the western end will require a land transfer agreement with the MBTA. This preferred alternative alignment will avoid an estimated 48,000 sf of wetland impacts

associated with the alignment proposed in the DEIR. Total impacts to Bordering Vegetated Wetlands have been reduced from approximately 1.4 acres to less than 4,000 sf.

BVW impacts are below the threshold that would require a Variance under the MassDEP Wetlands Regulations. The project will still require an Order of Conditions from the local Conservation Commission(s) and, as noted on the MassDEP comment letter, all other performance standards for wetlands resource areas must be met. The proponent should schedule a site visit in a timely manner with the appropriate regulatory agencies to view and develop information regarding proposed wetlands replication sites. The proponent should refer to MassDEP's *Massachusetts Inland Wetland Replication Guidelines* (March 2002).

#### *Independent Observer*

I concur with MassDEP that an independent observer (IO) is warranted for the project and I am requiring an IO as a condition of this Certificate. The role of the IO is to monitor the permittee's compliance with the Wetlands Protection Act and regulations and relevant permit conditions. The IO also facilitates communication among local, state and federal agencies and the proponent. The proponent should consult with MassDEP to develop a Scope of work and other arrangements pertaining to the IO. I note that the proponent has also committed to development of a Compliance Tracking System, which will be an integral component of the overall Monitoring and Evaluation Plan that the proponent will implement to ensure the project's sustainability goals are achieved

#### *Stream Crossings*

According to the FEIR, the proposed wetlands crossings are being designed in compliance with the Massachusetts River and Stream Crossing Standards. To the extent feasible, the proponent should use bridging to comply with the stream crossing standards as recommended by MassDEP. A determination regarding the amount of shading impacts associated with crossings will be made by the Conservation Commission during local permitting under the Wetlands Protection Act. During permitting, the proponent should further evaluate any proposed vegetative pruning associated with the golf course to determine the extent to which such activity should be included in the square footage calculation of wetlands impacts. During the Notice of Intent (NOI) process, the proponent will also need to demonstrate how the project complies with the Riverfront performance standards pursuant to 310 CMR 10.58(4). As indicated by MassDEP, portions of the project site may qualify as redevelopment for the purposes of the riverfront performance standards. I encourage the proponent to consider comments from EPA and others regarding additional opportunities to increase the amount of daylighted stream, thereby providing additional habitat benefits and reducing flooding concerns.

#### *Floodplain*

Floodplain boundaries for the project site should be delineated using the same methods as Federal Emergency Management Agency (FEMA) as further detailed in the MassDEP comment letter. The proponent should consider submitting its flood insurance information directly to FEMA through a letter of Map Revisions (LOMR) request and, as noted in the MassDEP letter,

the Department of Conservation and Recreation (DCR) has indicated it will facilitate the submission to FEMA of any flood insurance information developed by the project proponent.

#### *Off-site traffic mitigation*

The FEIR proposes fifteen off-site traffic mitigation locations and recommends that seven of these be implemented during Phase 1B, five during Phase 2 and the remaining three locations will be mitigated during Phase 3 of the project. Based on the information in the FEIR, and the MassDEP comment letter, it appears that these off-site improvements may qualify as limited projects under 310 CMR 10.53(3)(f) of the Wetlands Protection Regulations. The construction of the water supply line is also likely to qualify as a limited project under 310 CMR 10.53(3)(d). The determination regarding limited project status will be made by the local Conservation Commission(s).

#### *401 Water Quality Certification*

The proponent should provide additional information and explanation during permitting to demonstrate compliance with the 401 Water Quality Certification Regulations at 314 CMR 9.00, including information relating to alterations to Outstanding Resource Waters (ORW) as further detailed in the MassDEP comment letter.

#### *Stormwater and construction-related impacts*

As further detailed in the FEIR, the project's stormwater management system will be addressed at two levels (Base-wide and project specific). Base-wide management will include 12 detention basins, and project-specific Best Management Practices (BMPs) will vary depending on the design and treatment requirements for individual lots. As further detailed in the FEIR and DEIR, the proponent has proposed a performance-based approach to determine appropriate BMPs to comply with the MassDEP Stormwater Management Policy. The FEIR also proposed construction period controls, including Stormwater Pollution Prevention Plans (SWPPPs) and Erosion Control Plans. The construction period controls and Operation and Maintenance (O&M) plans will need to be developed in more detail during the permitting phase. Plans should include adequate provisions for shutdown and containment for stormwater discharges to or near Outstanding Resource Waters. The proponent should consult with EPA as soon as possible regarding Small Municipal Separate Storm Sewer System (MS4) Permit requirements and the Notice of Intent, to be submitted to EPA and MassDEP.

#### *Peak runoff rates*

The FEIR indicates that the proposed peak rates of runoff will not exceed existing rates for the 318 acres of existing impervious area. During permitting, the proponent will need to make a more complete demonstration as to whether it is practicable to improve existing conditions by reducing the peak rate of runoff, inducing more recharge, and improving the quality of runoff discharged to wetlands resource areas for redeveloped areas. The NOIs to be filed by the proponent should identify each existing stormwater outfall proposed to be retained on the site, new stormwater outfall proposed to be built and discuss how the stormwater

standards will be met prior to discharge at each outfall. The FEIR does not propose peak rate attenuation for the TACAN outfall and another outfall at eastern of end of Parkway. The MassDEP stormwater standards require attenuation of peak rate discharges from the above new outfalls and as noted in the MassDEP comment letter, any Order of Conditions issued for such discharges will need to be consistent with this approach. I acknowledge the concerns expressed by the Rockland Open Space Committee and others regarding potential flooding and the need for monitoring flow and quality in French's Stream. I expect that any outstanding issues relating to stormwater will be addressed during permitting.

### *Groundwater Recharge*

The FEIR stormwater analysis included groundwater recharge recalculations under existing and MassDEP's proposed new criteria. It is likely that the new groundwater recharge rates will be in effect when the project's NOIs are filed. I refer the proponent to MassDEP comments regarding future developer obligations to provide recharge to the maximum extent practicable. The proponent should also carefully evaluate placement of stormwater recharge wells during the permitting process to ensure that any potential interaction of stormwater with irrigation wells and/or wastewater discharge does not create indirect impacts to wetlands.

### Open Space and Wildlife Habitat Protection

As described in the FEIR, wildlife habitat impacts have been reduced by restricting redevelopment primarily to previously developed areas of the Base, and by maintaining Riverfront Area and other wetlands buffer zones, and preserving riparian and other wildlife movement corridors and crossings. Three areas of proposed residential housing on the east site of the project site have been eliminated, thereby protecting additional upland forested lands in this area.

As noted in the MassDEP comment letter, vernal pools are considered outstanding resource waters under MassDEP's Water Quality Certification Regulations at 314 CMR 9.00. The proponent will need to include a detailed wildlife habitat evaluation, as part of the NOI filing, in accordance with MassDEP's *Massachusetts Wildlife Habitat Protection Guidance for Inland Wetlands* (March 2006). The evaluation should document that the project will not adversely affect vernal pool habitat and the mitigation plan must be certified by a vernal pool specialist as further detailed in the MassDEP comment letter. The mitigation proposed in the FEIR should be reassessed once the wildlife habitat evaluation is completed and specific habitat features and impacts are identified.

Provision of connectivity between habitats that will be bisected by the Parkway and other roads is a critical mitigation feature for all wildlife that use the corridor. The proponent should assess whether any connectivity could be provided in the area of WIA-N (the West Branch of French's Stream south of Trotter Road), as the project will interrupt the wildlife corridor on the western edge of the site. The proponent should continue efforts to minimize wildlife habitat impacts and, to the maximum extent feasible, incorporate additional wildlife crossings on the eastern edge of the site to protect this sensitive area from fragmentation. The proponent should

also consider habitat and connectivity improvements as part of the water supply pipeline development as recommended by MAPC. I ask that MassDEP and MWRA consider opportunities for habitat connectivity improvements during the permit process, and as appropriate, incorporate as part of their Section 61 Findings. The proponent should also work closely with the Rockland Open Space Committee to address its concerns regarding connectivity and trail design.

The proposed project includes approximately 1,007 acres of open space, which includes generally passive and active open space (708), the golf course (204 acres), a recreation and sports complex (52 acres) and the village center and neighborhood parks (43 acres). The FEIR commits to permanent protection of approximately 380 acres of the generally passive and active open space under the Public Benefit Conveyance (PBC) from the National Park Service, which, according to the FEIR, will have Article 97 status. The site contains an additional 300 acres of other wetlands and buffers (not part of the PBC), which as noted in the FEIR, are protected pursuant to the provisions of the Wetlands Protection Act.

Several commenters have expressed concern regarding the lack of permanent protection for non-PBC open space. The framework proposed in the FEIR to ensure long-term protection of open space areas includes Zoning Bylaws and Open Space District use limitations and PBC requirements and use limitations. The proponent commits, in the proposed Section 61 Findings in the FEIR, to preserve open space, natural habitats and wetland areas. The proposed Section 61 Findings indicates that 708 acres of general passive and active open space will be preserved, including 380 acres of PBC land, 300 acres of protected wetlands and buffers (in addition to the wetlands and buffers within PBC land), and approximately 28 acres of Grassland Nature Preserve. Of the 204-acre golf course area, approximately 156 acres will be used for golf facilities and the remainder managed as native grassland and shrubland habitat. As noted in the FEIR, a Conservation Restriction and other permit conditions associated with the NHESP permit will protect habitat in golf course areas and at the eastern end of the parkway. A Notice of Project Change will be required for any material change to the status of open space as described and committed to in the FEIR. I encourage the proponent to establish deed restrictions for permanent protection of wetland resource and buffer areas.

### Wastewater

As further detailed in the FEIR, the conceptual design for the proposed on-site wastewater treatment facility (WWTF) has been refined since the filing of the DEIR based on the most recent groundwater modeling results. The proposed system will be constructed along a section of French's Stream, and includes removal of an existing culvert and restoration of a portion of the stream channel to allow a natural groundwater-surface water recharge system. MassDEP is satisfied with the conceptual approach for the system as presented in the FEIR. The proponent will need to conduct a periodic assessment of stream fill to ensure it functions as intended and I expect this requirement will be included as a permit condition, as indicated in the MassDEP comment letter. The FEIR proposes a 10-acre reserve area for the WWTF, which is acceptable to MassDEP and will also be included as a permit condition. The proponent should provide MassDEP with a more definitive plan for residuals handling concurrent with the filing of an application for a Groundwater Discharge Permit. As further detailed in the MassDEP

comment letter, the proponent has proposed to achieve a maximum of 0.1 mg/l total phosphorous in the groundwater at monitoring wells upgradient of French's Stream. This approach is acceptable in concept to MassDEP with the understanding that the WWTF will be subject to a more comprehensive permit review process under 314 CMR 5.00.

The FEIR presents the results of supplemental fieldwork and modeling conducted to address comments and concerns regarding potential breakout of treated effluent. The proposed system has been modified to include a vertical containment component to minimize breakout potential. MassDEP has indicated that a groundwater discharge at a maximum average daily flow limit of 0.65 mgd at the proposed site is acceptable in concept and that the appropriate wastewater permitting approach is under MassDEP's Groundwater Permit regulations at 314 CMR 5.00. According to the FEIR, the WWTF will be expandable to 1.05 mgd. I note that expansion beyond the proposed 0.65 mgd would require additional MEPA review and DEP approval, including a permit modification.

The FEIR proposes a significant increase in the use of recycled water from the WWTF, which is to be commended. I expect that in addition to reusing water for the golf course and industrial/commercial purposes, that the proponent will use reclaimed water to irrigate other common green areas on the project site to the maximum extent feasible. As indicated in MassDEP's comment letter, reclaimed water can not be approved for direct potable use under the Interim Guidelines on Reclaimed Water (revised) or the Reclaimed Water Regulations, which are currently under development.

Wastewater from Phase I waiver portion of the project (Phase IA) will be directed to the Weymouth sewer system initially and then redirected to the on-site WWTF once it is operational. The proponent has committed to maintain an emergency connection to the Weymouth sewer system after Phase IA flows are tied in to the on-site WWTF. The proponent should coordinate with the Weymouth Mayor's Office on this issue. As recommended by MassDEP, the proponent should maintain this emergency interconnection for up to the maximum 120,000gpd of average daily flow allowed under the existing agreement.

### Water Supply

According to the FEIR, the public water supply system will be owned and operated by the SSTDTC and the system will be registered with MassDEP as a public water supply system. The proponent will be required to obtain two construction permits from MassDEP for Water Supply Distribution Modifications (BRP WS-32 and 33). As noted in the MassDEP comment letter, water mains or other infrastructure can not be constructed until plans and specifications are approved by MassDEP. Additional permits may be required if a chemical addition facility is proposed by the proponent.

According to the FEIR, the proponent will conduct wetlands monitoring as required by MassDEP. Based on information presented in the FEIR, it appears that the proposed irrigation well could indirectly impact French Stream and adjacent wetlands during dry weather. The proponent has met with MassDEP Water Management Act program staff since filing the DEIR. MassDEP has indicated it will continue to work with the project proponent during permitting to

ensure that the operation of the well does not adversely affect wetlands and vernal pools, and to develop a suitable monitoring plan for wetland resource areas.

Several commenters raised concerns regarding potential impacts to the proposed irrigation well from contamination associated with West Gate landfill. According to the FEIR, the EPA has requested that the Navy and SSTDTC engage in further discussions regarding the consistency of the proposed remedy for the landfill with the Reuse Plan for the NAS. The proposed remedy is to cap the landfill in place with institutional controls for groundwater and a Long-Term Monitoring (LTM) Plan. The proponent should consult with the Navy, EPA and MassDEP regarding any potential interactions between the landfill and irrigation well, and any measures that may be appropriate to incorporate as part of the LTM Plan.

*Interbasin Transfer Act (ITA)*

The FEIR includes additional information on water supply demand and conservation plan, impacts to donor and receiving basin, and consistency with MWRA Admission Policy criteria and the criteria for Water Resource Commission (WRC) approval under the Interbasin Transfer Act (ITA). As noted in the WRC comment letter, additional information should be provided to WRC staff in order for the ITA application to be considered complete.

It is my understanding that a booster pump station is not needed to supply the initial 0.65 mgd needed from MWRA. However, it will be needed if build-out conditions require the full 1.4 mgd average day demand for which the proponent is requesting MWRA and WRC approval. The proponent should provide additional information on the booster pump station as requested by the WRC. The WRC will evaluate the transfer based on the full request for 1.4 mgd average day demand, 12-inch diameter pipe and intermediate booster pump station. If, in the future, the project uses 1.4 mgd as described in the FEIR and ITA documents, further ITA review will not be needed.

The proponent should provide additional information as part of the ITA application to address WRC comments on recycled water use, irrigation, drought mitigation, water conservation, and donor basin impacts. I commend the proponent for its water conservation efforts and encourage the use of the most efficient devices as the project is developed, as well as provision of educational materials on a regular basis to water supply system users. The draft water resources management plan should be amended to address golf course water conservation features and include maps as recommended by WRC.

As required by WRC, the proponent should provide release data from the Quabbin and Wachusett Reservoirs to assist WRC in considering the adequacy of in-stream flow and ecological protection in the donor basins. The WRC has been coordinating with MWRA, DFW and DCR to address in-stream flow needs of the Ware, Swift and Nashua basins in its review of interbasin transfers from the MWRA system, as directed through my Certificate on the Town of Reading Supplemental FEIR (EOEA #12514).



### Infrastructure Ownership and Management Responsibilities

The FEIR includes a brief summary of potential arrangements for ownership and infrastructure management. According to the FEIR, new water, wastewater, and stormwater, road and parkway facilities on the base will be publicly owned and operated facilities (with the exception of facilities owned and operated by end developers of individual parcels). The FEIR indicates that the Corporation will own and operate the public water system for the project and may own and operate other infrastructure or create a management district for that purpose. I note that these important issues relating to infrastructure ownership and management will be evaluated in more detail during permitting. MassDEP will require the proponent to definitely determine the entity or entities responsible for infrastructure ownership, operation and maintenance, and demonstrate compliance with applicable regulations and requirements. The proponent will be required to provide MassDEP with documentation of any legal and financial arrangements necessary to implement or allocate responsibility for such infrastructure.

Since the filing of the FEIR, the proponent has continued consultations with EOT regarding responsibilities with respect to transportation aspects of the project, as further detailed in a letter from EOT to the South Shore Tri-town Development Corporation, dated June 15, 2007. The letter indicates that the Route 18 work will be funded by MassHighway using Federal highway funds, and that SSTTDC and the Commonwealth (through EOT and the Executive Office of Administration and Finance) will continue to work together to determine the fairest allocation of costs and most effective financing method for the Parkway and related work, and to develop a Memorandum of Agreement.

I expect that the Project Update document required by this Certificate will provide details on final plans for ownership and management of:

- Water supply facilities and distribution;
- Wastewater collection, treatment and disposal facilities;
- Water reuse facilities and distribution systems (including but not limited to reuse for irrigation, cooling water, industrial process water and/or toilet flushing);
- Stormwater collection, treatment and recharge or discharge facilities; and
- The East-West Parkway transportation corridor.

### Solid Waste Management

The FEIR included additional information regarding responsibilities for the Small Landfill, and notes that the Navy is responsible for closure of the Small Landfill. As further detailed in the MassDEP comment letter, its Comprehensive Site Assessment (CSA) approval includes a requirement for 30 years of post-closure monitoring. If the Navy does not obtain a Corrective Action Design (CAD) permit from MassDEP, the proponent will be required to obtain this permit. The proponent must also comply with 310 CMR 19.044 regarding transfer of permits, if the Navy assigns responsibilities for the Small Landfill to the proponent.

The FEIR indicates that asphalt, brick and concrete (ABC) rubble will be recycled for on-site uses, which is encouraged by MassDEP. I refer the proponent to additional MassDEP

comments regarding regulations and guidance on material crushing and reuse. As noted by MassDEP, material from the Concrete Disposal Area (also known as the Concrete Graveyard) will be processed in the same way as other ABC rubble and the process will include sampling for metals, polychlorinated biphenyls (PCBs), and asbestos, and metal rebar removal and reuse.

### Waste Site Clean-up

The FEIR included additional information on the status of active clean-up sites on the NAS, including site transfer and oversight, and Activity and Use Limitations (AULs). MassDEP is satisfied that the FEIR provides reasonable assurance that the proponent understands, and will be prepared to handle, its hazardous waste site clean-up responsibilities as redevelopment proceeds. As noted by MassDEP, the FEIR contains inconsistent language regarding impacts to the Rubble Disposal Area (RDA), and it is my understanding and that of MassDEP that the Parkway is being designed to avoid the RDA. The realigned Parkway, as proposed in the FEIR, will cross a portion of the West Gate Landfill. MassDEP in its comment letter, indicates that building the Parkway across a portion of the West Gate Landfill is technically feasible, consistent with community approved zoning, and generally acceptable to MassDEP, but will require further involvement of EPA and MassDEP.

### Agricultural Soils

The proponent has committed to implement three kinds of mitigation to address loss of agricultural soils. These measures include community gardens, a farmer's market and off-site use of agricultural soils from the NAS. The FEIR proposes 3 acres of community gardens, and will provide irrigation and fencing to support the gardens. To the extent possible, the gardens will comprise agricultural soils that would otherwise be impacted by the project. According to the FEIR, the area set aside for community gardens will be sufficient for 200 households to have a 15 foot by 15 foot plot, while allowing portions of the gardens to remain fallow. The proponent will consult with the Department of Agricultural Resources (DAR) for guidance on establishing the community gardens. The proponent has also committed to work with DAR to organize a weekend Farmer's Market on the project site. The proponent has also committed to work with DAR to facilitate off-site use of agricultural soils that cannot be used for conservation purposes on-site. The proponent will work with DAR to identify farmers who may be interested and make the soils available to them. The proponent should continue to work with DAR to finalize details of the mitigation plan and ensure compliance with the provisions of Executive Order #193 Agricultural Land.

### Historical and Archaeological Resources

According to the FEIR, portions of the project are located within areas of low archaeological sensitivity. One area of moderate to high sensitivity was identified along one of the Parkway alignment alternatives. However, this area is not part of the proponent's preferred alignment for the Parkway. As noted in the FEIR, the proponent has forwarded survey reports to Massachusetts Historical Commission (MHC) for its review. The proponent should consult with MHC regarding the surveys and any measures that may be appropriate to avoid and minimize, or mitigate impacts to historical and cultural resources.

### Air Quality

The FEIR provides additional information on the proponent's commitments to air quality impact mitigation, including construction phase and on-going Transportation Demand Management (TDM) measures. The proponent has committed to emission controls on heavy construction equipment to reduce diesel pollution and to prohibit construction vehicles from idling for more than five minutes. The FEIR also describes other measures to avoid and minimize air quality impacts during building demolition and construction. According to the FEIR, five residences will be affected by noise impacts associated with project. As noted in the transportation section above, the proponent will be required to assess and implement mitigation measures as part of the EOT/MassHighway permit process.

### Smart Growth and Sustainable Design

As described in the FEIR, the project has been designed in to be consistent with the Commonwealth's Sustainable Development Principles, and will concentrate development in previously developed areas, reuse a brownfield site, promote pedestrian and bicycle access as well as use of public and private transit, promote on-site wastewater recharge and use of recycled water, and preserve open space and wildlife habitat. The project's regulatory framework includes specific provisions to promote sustainability such as mandates relating to water conservation, and Transportation Demand Management (TDM) measures.

The proponent has applied for, and been accepted, as a pilot project under the Leadership in Energy and Environmental Design (LEED) for Neighborhood Development program, which will further the project's sustainability goals and serve as a valuable model for future developments in the Commonwealth. The FEIR indicates that the project could receive a "silver" rating under the LEED-ND standard. I applaud the proponent for its achievement in obtaining LEED-ND pilot project status. This project presents a unique opportunity to serve as a model for green building and overall sustainability and I strongly encourage the proponent to achieve the highest LEED-ND rating possible. I note that MassDEP has offered its assistance in facilitating this important project objective.

The FEIR described the regulatory framework for the project and included Zoning bylaws and Land Use Regulations and described how the project will be developed consistent with smart growth and sustainable development principles. The proponent's approach includes master planning, creation of a regulatory framework, state environmental review and permitting, local zoning review and permitting, and a monitoring and evaluation plan. The on-going Monitoring and Evaluation Plan will be designed to measure and enhance progress in achieving the proponent's sustainability goals and objectives. In addition, the proponent has committed to development of a comprehensive Compliance Tracking System (CTS) as part of the Monitoring and Evaluation Plan, to track compliance with the range of permits, approvals and standards applicable to the project. The combined CTS and Monitoring and Evaluation Plan will be regularly updated and made available to the public.

The Zoning Bylaws incorporate one of Massachusetts's first "form-based codes, which emphasizes the physical form of the built environment and facilitates a smart growth, mixed use

development. The Land Use Regulations provided in the FEIR include the project's Sustainable Design Standards and Guidelines, which address site planning, natural resource conservation, environmental protection, and green building design. I applaud the proponent for its efforts in this regard. I also note that many of the guidelines are presented as recommendations rather than requirements, and I strongly encourage the proponent to continue its efforts to develop an incentive program that will be effective in encouraging adoption of the Sustainability Guidelines as the project proceeds. As further detailed below, the proponent should provide additional information on sustainable design progress in the Project Update document.

### Mitigation and Draft Section 61 Findings

The FEIR included a chapter on Mitigation and Section 61 Findings. While aspects of the proposed mitigation related to transportation, open space, and endangered species require additional analysis, these aspects have been clearly described and their nature and general elements analyzed in the Draft and Final EIRs. The FEIR has provided valuable information and clearly indicated the proponent's commitment to mitigation, while acknowledging that the details of mitigation plans have yet to be finalized. Comments from the state agencies clearly define the additional information and commitments they require in order to issue their Section 61 Findings. The proponent shall develop clear and enforceable mitigation commitments, and finalize the draft Section 61 findings, in consultation with the state permitting agencies.

The final Draft Section 61 Findings should address outstanding issues relating to mitigation identified in comment letters received and in this Certificate. The final Draft Section 61 Findings should be updated to include detailed mitigation plans based on further consultation with state agencies, and contain clear commitments to mitigation, a schedule for implementation, mitigation cost estimates, and identify parties responsible for funding and implementing the proposed mitigation measures. The final Draft Section 61 Findings should specify in detail all feasible measures the proponent or other parties will take to avoid, or to minimize and mitigate, Damage to the Environment to the maximum extent practicable.

The final draft Section 61 Findings should include enforceable commitments to mitigation and provide assurances that effective mitigation measures will be established. Monitoring and evaluation is a key component of the proponent's strategy to ensure long-term sustainability of the project. The final Draft Section 61 Findings should describe in detail how different components of the monitoring and evaluation plan will be used to ensure that the proponent's goals to avoid and minimize, or mitigate impacts are met. The final Draft Section 61 Findings should specify measurable targets and thresholds that would trigger the need for additional mitigation if proposed measures are not effective in achieving goals. The final Draft Section 61 Findings should describe the process by which additional mitigation would be developed and implemented, and specify relevant timelines, and responsibilities of proponents and other parties for financing and implementation.

In order to provide additional opportunity for public review and comment prior to state agency action by NHESP, MBTA and EOT/MassHighway, the proponent should submit final Draft Section 61 Findings to the MEPA Office. The draft Section 61 Findings will be noticed in the *Environmental Monitor* for a 21-day public comment period with comments to be directed to

the respective agencies. The respective agencies shall be responsible for approving the Section 61 Findings

### Project Update Document

As noted above, I believe it is appropriate, and in the public interest, that additional information be made available to the public when mitigation plans are finalized and other project milestones reached. Therefore, I am requiring that the proponent file a Project Update document with the MEPA Office for the project record. The proponent should consult with MEPA regarding the timing and content of the Project Update report. The availability of the document will be noticed in the *Environmental Monitor*. This document is intended for informational purposes only and will not be subject to a MEPA public review and comment period. The proponent should provide a copy of the Project Update to state and local agencies from which permits or approvals are required. A Notice of Availability of the document should be sent to those who submitted comments on the FEIR. I also encourage the proponent to make the document available to the public through the SSTDTC website. The Project Update should include a status update on state agency permitting, including final Section 61 Findings as applicable, and additional information as outlined below.

The Project Update document should provide an update on the LEED for Neighborhood Development Pilot Project and the Department of Energy Resources (DOER)-funded feasibility study for combined heat and power and renewable energy. The proponent is considering a Fast-Track permitting process as an incentive for developers who commit to green building, LEED certification and other sustainable design measures. The Project Update document should discuss the proponent's evaluation of the Fast-Track permitting process and/or other incentives, and include details of the type of incentives that will be offered, as well as any experience to date with implementation of the incentive program.

The Project Update document should include the Monitoring and Evaluation Plan, which is a key component of the proponent's overall strategy to ensure the project's smart growth and sustainable development goals are achieved. The plan should include a description of parameters to be measured, as well as methods and metrics that will be used to evaluate progress. The plan should describe roles and responsibilities for implementation of monitoring and evaluation, and discuss how the data will be used to support long-term sustainability of the project. The plan should also discuss frequency of reporting and mechanisms for public outreach.

The Project Update should include a copy of the Interim Traffic Mitigation Plan, if applicable, and other transportation-related details required by EOT in its comment letter. Similarly, the Project Update should include the detailed information required by MassDEP, NHESP, MBTA, and WRC as part of their respective permits. The Project Update should include arrangements for ownership and management of project infrastructure.

Based on review of the FEIR, comments received, and consultations with relevant state agencies and other stakeholders, I am satisfied that the FEIR adequately complies with MEPA and the project may proceed to the state permitting process. MEPA review of the project is complete. The proponent should file draft Section 61 Findings, as further detailed in this Certificate, for public review and comment prior to certain state agency actions. The proponent should also file a Project Update document with the MEPA Office for the project record and for public informational purposes. State agencies should forward copies of final Section 61 Findings to the MEPA Office.

July 18, 2007

DATE



Ian A. Bowles, Secretary

Comments Received (continued on next page)

6/04/07	Citizens Advisory Committee (CAC)
6/22/07	Town of Rockland, Board of Selectmen (from Bradley A. Plante, Town Administrator)
7/06/07	David Wilmot
7/07/07	Susan Fulton
7/09/07	Dominic Galluzzo
7/09/07	James Corbett, Jr.
7/09/07	Forest Street Neighborhood Association - Petition (46 total signatures received July 9-13)
7/10/07	Mary Parsons
7/10/07	John F. Loughlin, Rockland Sewer Department
7/10/07	U.S. Environmental Protection Agency (EPA)
7/10/07	Congress for the New Urbanism New England Chapter (CNUNE)
7/10/07	Al Ferreira
7/10/07	David and Susan MacKay
7/11/07	Mary Byram
7/11/07	Tricia Pries
7/11/07	MassAudubon
7/11/07	South Shore Chamber of Commerce
7/11/07	Watershed Action Alliance of Southeastern Massachusetts
7/11/07	Massachusetts Department of Environmental Protection (MassDEP)
7/11/07	Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program (NHESP)
7/11/07	Massachusetts Water Resources Commission (WRC)
7/11/07	Arthur Mathews, District 4 Town Councilor
7/11/07	Kevin Whitaker, Councilor at Large
7/11/07	Mayor David M. Madden, Town of Weymouth
7/11/07	Michael Smart, President, Weymouth Town Council

- 7/11/07 Rockland Open Space Committee
- 7/11/07 Town of Rockland, Board of Selectmen (from James F. Simpson, Selectman)
- 7/11/07 Massachusetts Water Resources Authority (MWRA)
- 7/11/07 Water Supply Citizens Advisory Committee (WSCAC)
- 7/11/07 Beth V. Sortin
- 7/12/07 Old Colony Planning Council (OCPC)
- 7/12/07 Metropolitan Area Planning Council (MAPC)
- 7/12/07 State Representative Garrett J. Bradley
- 7/13/07 Town of Hingham, Office of Selectmen
- 7/13/07 Massachusetts Bay Transportation Authority (MBTA)
- 7/18/07 Executive Office of Transportation, Office of Transportation Planning

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