

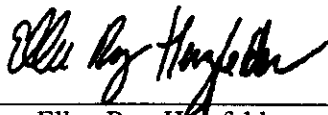
**Secretarial Finding regarding Squannacook Pond (located in Shirley) and
Boundary of Squannassit Area of Critical Environmental Concern**

Background

1. The Squannassit Area of Critical Environmental Concern (ACEC) was designated an ACEC on December 12, 2002.
2. At the time of ACEC designation, according to the list of Great Ponds compiled by the Department of Environmental Protection (DEP) in 1996, Squannacook (aka Squannocook) Pond in Shirley was classified as a Great Pond, subject to the jurisdiction of the Waterways (Chapter 91) Regulations (310 CMR 9.00).
3. The Squannassit ACEC designation document states that Great Ponds listed by DEP will be included within the boundary of the Squannassit ACEC, but not for a period of up to five years following the date of the Squannassit ACEC designation. The effective date that these water bodies will be included as part of the ACEC is as follows (whichever date is earliest),
 - a) five years from the initial effective date of designation; or
 - b) the effective date of approval by the Secretary of Environmental Affairs of a Resource Management Plan (RMP) for a specific water body, after the RMP has been adopted by the municipality or municipalities where the water body is located; or
 - c) the date of publication in *The Environmental Monitor* of a Finding by the Secretary that adequate study and public education, outreach and participation have been completed for a specific water body or water bodies, and that formal Resource Management Plan adoption and approval is not necessary.
4. Following extensive research, ACEC Program staff presented to the DEP copies of historic maps and other information dating to 1794 regarding Squannacook Pond. Following review of these maps and information, in correspondence dated December 3, 2003, the DEP stated its opinion that Squannacook Pond is not a "Great Pond" as defined under the Chapter 91 regulations, and that DEP will remove the pond from its Great Pond list.

Conclusion

Based upon the opinion of DEP that Squannacook Pond in Shirley is no longer listed as a Great Pond and subject to the jurisdiction of the Chapter 91 regulations, I find that the preparation, adoption and approval of a Resource Management Plan is no longer necessary to address the Chapter 91 regulations provision regarding ACECs at 310 CMR 9.32(1)(e)(4). I find that public notice of this Finding in *The Environmental Monitor* and mailings to municipal boards and adjacent landowners meets the requirement for public education, outreach, and participation. Therefore, as of the date of the publication of this Finding in *The Environmental Monitor*, Squannacook Pond in Shirley is formally included within the boundary of the Squannassit ACEC.



Ellen Roy Herzfelder

9/2/04

Date

* According to 310 CMR 9.32(1)(e)(4), a state-approved Resource Management Plan allowing private water-dependent structures within ACECs is required for any such structures built after October 4, 1990 within Great Ponds or other waters subject to Chapter 91 jurisdiction.