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January 9, 2009

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

PROJECT NAME : Whites Lane Restoration Project
PROJECT MUNICIPALITY : Orleans
PROJECT WATERSHED : Cape Cod (Pleasant Bay Estuary)
EOEA NUMBER : 14348
PROJECT PROPONENT : Orleans Conservation Trust
DATE NOTICED IN MONITOR : December 10, 2008

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62I) and Section 11.06 of the MEPA regulations (301 CMR 11.00), I determine that the above project **does not require** the preparation of an Environmental Impact Report (EIR).

According to the Environmental Notification Form, the proposed project consists of the restoration of approximately seven acres of heavily invaded woodland into a sand plain grassland and early succession maritime community. The project would create grassland that will have areas suitable for the nesting of the diamondback terrapin turtles. This project also creates habitat for rare and declining grassland-dependent plants and wildlife.

The proponent has identified three alternatives for the project. The alternatives include: Alternative 1 – the Preferred Alternative; Alternative 2 – the Off-Site Alternatives; and Alternative 3 – the Intensive Use Alternative (use site for active recreation). The site has sandy, dry upland soils adjacent to a healthy tidal estuary, which is desirable for terrapin nesting. The proponent has divided the project into two phases. Phase I, which is funded, encompasses the

White Parcel, and Phase II, which is unfunded at this time, encompasses the Wildt Parcel. The entire site is approximately 9.62 acres and is located within the Pleasant Bay Area of Critical Environmental Concern (ACEC).

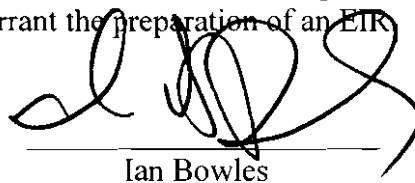
The project is subject to MEPA review pursuant to Sections 11.03(3)(b)(1)(a), 11.03(3)(b)(1)(f), and 11.03(11)(b) because the project alters coastal bank, alters 0.5 or more acres of wetlands, and is located within a designated ACEC. It will require a Superseding Order of Conditions from the Department of Environmental Protection (MassDEP). The project is exempt from a Conservation and Management Permit from the Natural Heritage Endangered Species Program (NHESP). On October 17, 2008, the project received an Order of Conditions from the Orleans Conservation Commission (OCC), which was appealed by ten citizens. The project may have to comply with the National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges from a construction site. Because the project is receiving Commonwealth funding from the Landowner Incentive Program (administered by the Massachusetts Department of Fisheries and Wildlife), MEPA jurisdiction extends to all aspects of the project that may cause Damage to the Environment, as defined in the MEPA regulations.

No grading, filling or other construction activities are proposed as part of the project. The proponent has developed a three-year management plan with a monitoring program for removing invasive species. The Wellfleet Bay Wildlife Sanctuary will monitor the project.

According to the proponent, the project would affect the following wetland resource areas: approximately 1,170 linear feet of Coastal Bank (habitat restoration), 124,100 square feet (sf) of Land Subject to Coastal Storm Flowage, and 23,000 sf of Bordering Vegetated Wetlands (BVW). The proponent has proposed to restore approximately 23,000 sf of native non-invasive wetland species in consultation with the OCC.

While I note the concerns of some commenters with respect to the project, the project will provide overall net benefits to the environment and is strongly supported by several resource protection agencies. The project's impacts to wetland resource areas can be adequately addressed during the MassDEP and local permitting processes. Therefore, based on a review of the information provided by the proponent and after consultation with relevant public agencies, I find that the potential impacts of this project do not warrant the preparation of an EIR.

January 9, 2009
Date


Ian Bowles

EEA #14348

ENF Certificate

January 9, 2009

Comments received:

MA Division of Marine Fisheries, 12/16/08

MHC, 12/17/08

Isaac Braddock, 12/17/08

Theda Braddock, 12/17/08

NHESP, 12/29/08

DCR, 12/29/08

MassDEP/SERO, 1/6/09

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IAB/WTG/wg