



The Commonwealth of Massachusetts

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February 10, 2006

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

PROJECT NAME : Murphy Cranberry Bog
PROJECT MUNICIPALITY : Middleborough
PROJECT WATERSHED : Taunton River Basin
EOEA NUMBER : 13707
PROJECT PROPONENT : R.M. Lawton Cranberries, Inc.
DATE NOTICED IN MONITOR : January 11, 2006

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.

According to the Environmental Notification Form (ENF), the proposed project consists of the proponent obtaining a Water Management Act (WMA) Withdrawal Permit for an existing 18.0-acre cranberry bog constructed in 1996. Water withdrawn from a 2.75-acre man-made ground-water pond supplies the closed loop irrigation system. This system has operated continuously since the bog was constructed. An application for a Water Withdrawal Permit has been submitted in accordance with the requirements of an Administrative Consent Order and Notice of Noncompliance (ACOP) issued by the Department of Environmental Protection (DEP) on August 4, 2005. The bog is operated as a "new style" bog, using current technologies and practices for irrigation, nutrient and pest management. Recent replacement of the irrigation pump and scheduled upgrade and automation of the irrigation system will result in a reduction of water usage.

The project is subject to review pursuant to Section 11.03(4)(b)(1) of the MEPA

regulations because the project requires a new withdrawal of 100,000 or more gallons per day (gpd) from a water source that requires new construction for withdrawal. It will need a WMA Withdrawal Permit from the Department of Environmental Protection (DEP). The proponent is subject to an Administrative Consent Order (ACOP) for failure to obtain a WMA approval for its existing bog. The project must comply with the National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges from a construction site. It will need to obtain an Order of Conditions from the Middleborough Conservation Commission. MEPA jurisdiction is limited to those aspects of the project within the subject matter of state permits and that may have significant environmental impacts (wetlands and water withdrawal).

The proponent currently obtains 160,000 gpd from an existing 2.75-acre man-made ground-water pond. This pond supplies the closed loop irrigation system. The proponent is not proposing to increase its withdrawal. The existing water conveyance system, surface drainage and containment berms are maintained to minimize water losses in the closed loop system. In addition, the overall design of the bogs results in very low water usage. The proponent has developed a farm plan with the United States Department of Agriculture (USDA) Plymouth County Conservation District in order to optimize water use and farming operations.

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

February 10, 2006

Date



Stephen R. Pritchard

Comments received:

01/27/06 Department of Environmental Protection, SERO

SRP/ACC/acc