

# The Commonwealth of Massachusetts

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March 31, 2006

## CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS ON THE FINAL ENVIRONMENTAL IMPACT REPORT

PROJECT NAME : Waverly Oaks Golf Club  
PROJECT MUNICIPALITY : Plymouth  
PROJECT WATERSHED : South Coastal  
EOEA NUMBER : 13122  
PROJECT PROPONENT : Waverly Oaks Golf Club  
DATE NOTICED IN MONITOR : February 22, 2006

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

As described in the Final EIR, the proposed project consists of 10 house lots and the construction, operation and maintenance of a 27-hole public golf course on a 230-acre site adjacent to Route 3 in Plymouth. The proposed project also includes the development of a clubhouse, comfort stations, maintenance facilities, parking areas, access drives, cart paths, drinking water wells and an irrigation system. Construction on the course started in 1996 and the facility began operating in 1998. The proponent did not comply with MEPA review as required at that time nor did it secure a Water Management Act (WMA) permit for its water withdrawal. The Department of Environmental Protection (DEP) is undertaking an enforcement action for the unpermitted water withdrawals and this violation is being addressed through an Administrative Consent Order (ACO).

Prior to its development, the site consisted of undeveloped woodlands and three isolated wetland areas that are subject to protection under a local wetlands bylaw. The site abuts Forges Field to the north, Plymouth South High School to the south, and Route 3 to the east. The

proponent is seeking authorization to withdraw approximately 310,000 gallons per day (gpd) of water for a total annual withdrawal of 65 million gallons over a 210 day irrigation period. Other project impacts include alteration of approximately 140 acres of land, generation of approximately 4,580 gpd of wastewater, and generation of approximately 1,268 vehicle trips per day. The proponent has indicated that the project design, construction and operation included a number of measures to avoid, minimize and mitigate environmental impacts, such as maintaining 37 to 41% of the site in its natural state, maintaining a 125 foot undisturbed buffer zone around wetlands, use of a state of the art irrigation system to efficiently manage water use, and management of the course consistent with Audubon International "Principles for Sustainable Resource Management" for development and operation of golf courses.

The project is undergoing review pursuant to Section 11.03 (1)(a)(1) and 11.03 (4)(b)(1) of the MEPA Regulations because it requires a state permit and will alter more than 50 acres of land, and involves a new water withdrawal of 100,000 or more gpd. The project requires a Water Management Act (WMA) Permit and a New Source Approval from DEP. The proponent is not seeking financial assistance from the Commonwealth for the project. MEPA jurisdiction therefore extends to those aspects of the project that are likely to cause significant Damage to the Environment and that are within the subject matter of the required state permits. In this case, MEPA jurisdiction exists over land alteration and water management.

MEPA review is an informal process, which does not itself result in any formal adjudicative decision approving or disapproving a project. Section 11.08(8) of the MEPA Regulations requires me to find a FEIR adequate even if certain aspects of the project or issues require additional analysis of technical issues, so long as I find that "the aspects and issues have been clearly described and their nature and general elements analyzed in the EIR or during MEPA review, that the aspects and 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 Agency Action on the Project." After examining the record before me, I find that there is enough information on alternatives, impacts, and mitigation to meet that standard.

The Final EIR has generally responded adequately to the Certificate on the Draft EIR of December, 2004. The Draft EIR Certificate required that the proponent address issues of Alternative Analysis/Land Alteration, Water Supply and Mitigation. There are remaining issues regarding potential impacts from this project, which are described in detail from the Eel River Watershed and Riverways Program's comment letters. Despite these remaining concerns, I am finding the FEIR adequate and allowing the MEPA review of the project to conclude. The outstanding issues are important, but I am confident that the permitting process can satisfactorily address the issues. I advise the proponent to work closely with DEP, the Eel River Watershed and Riverways Program before and during the permitting process.

As described in the Final EIR, the proponent used an existing numerical groundwater flow model developed by the USGS to evaluate the cumulative impacts on groundwater and the

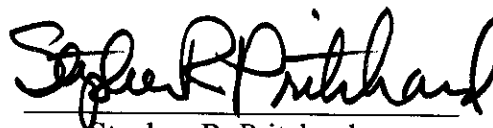
Eel River watershed from the Plymouth Wastewater Treatment Plant (#8228), the Forges Field project (#10911), and other newly constructed or proposed golf courses within the watershed. The results of modeling described in the Final EIR show the cumulative impact of golf course irrigation on water flow in the Eel River has been very minor (see Tables 3A, 3B and 4). The comparison of streamflow records for the Eel River from the period 1970-71 (prior to golf course irrigation) with 2003-04 (including golf course irrigation) corroborates the modeling results. The replacement of irrigation withdrawals with treated wastewater modeling simulation indicates no significant change in Eel River baseflows. Finally, the reduction in nitrogen loading in the Eel River watershed from irrigation using treated wastewater is expected to be small. DEP has advised me that they find the modeling results adequate. However, both the Eel River Watershed and Riverways Program question some of the results of the modeling. Therefore, the proponent should work very closely with the Eel River Watershed and Riverways Program to address their concerns prior to permitting this project.

I commend the proponent for committing to maintain a significant proportion of the property in its natural state. This includes both strips of the original oak forest between fairways and adjacent to Route 3 and other property boundaries, as well as significant vegetated buffers around wetlands. The Final EIR also contained a Water Conservation Plan designed to reduce water use. The proponent has also committed to designing the parking lot areas and roadway to capture all storm water and rainfall on site. The design provided shows that no storm water or natural rainwater leaves the Waverly Oaks Golf Club site.

I am finding the Final EIR adequate, and allowing the project to proceed to the state permitting agencies. The document contains adequate information on alternatives, impacts, and mitigation, and allows the state permitting agencies to understand the environmental consequences of their permit decisions. The proponent and state agencies should forward copies of the Section 61 Findings to the MEPA Office for completion of the file.

March 31, 2006

Date

  
Stephen R. Pritchard

Comments received:

03/24/06 Riverways Program  
03/24/06 Department of Environmental Protection, NERO  
03/27/06 Eel River Watershed

SRP/ACC/acc