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June 27, 2008

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

PROJECT NAME : Proposed Article 97 Land Swap
PROJECT MUNICIPALITY : High Street - Randolph
PROJECT WATERSHED : Boston Harbor
EOEA NUMBER : 14115
PROJECT PROPONENT : **The Lantana**, c/o The Hart Family Limited Partnership
DATE NOTICED IN MONITOR : May 21, 2008

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 the Draft Environmental Impact Report (DEIR) submitted for this project **adequately and properly** complies with MEPA and its implementing regulations. The Proponent may prepare and submit the Final Environmental Impact Report (FEIR) for MEPA review.

Project History and Description

Under the terms of Chapter 240 of the Acts of 2002, the Massachusetts Legislature mandated that the Division of Capital Asset Management and Maintenance (DCAMM) to convey to the proponent a 3.2 acre parcel of land located within the Blue Hills Reservation in exchange for a parcel of equal size located off of High Street in Randolph (the Hart Parcel). In addition, the Act required the Commonwealth to receive the difference between the full and fair market value of the parcels, either in cash or in-kind contributions. In connection with this legislative mandate, the proponent submitted an Environmental Notification Form (ENF) for review under MEPA in October 2007 that described the proposed change in use of the DCR Parcel to allow the site to be used as an overflow parking facility.

As described in the DEIR, the project consists of the conversion of land held for natural resources purposes in accordance with Article 97 of the Amendments to the Constitution of the Commonwealth for the construction of an overflow parking lot with approximately 374 parking spaces for the proponent's existing function hall facility. In order to construct the parking lot, the project requires the transfer of approximately 3.2 acres of land owned by the Department of Conservation and Recreation (DCR) that is part of the Blue Hills Reservation and abuts High Street (the DCR parcel). The proposed parking lot will have one driveway onto High Street across the street from the existing Lantana parking lot driveway.

Jurisdiction

The project is subject to MEPA review because it requires a real estate transfer from the Division of Capital Asset Management and Maintenance (DCAMM) and because it exceeds the MEPA review thresholds at 301 CMR 11.03(1)(b)(3) and 11.03(6)(b)(15) for the conversion of land held for natural resources purposes in accordance with Article 97 of the Amendments to the Constitution of the Commonwealth to any purpose not in accordance with Article 97 and for the proposed construction of 300 or more parking spaces. The project must comply with the National Pollutant Discharge Elimination System (NPDES) General Permit from the U.S. Environmental Protection Agency (EPA) for stormwater discharges from a construction site. The project will require an Order of Conditions from the Randolph Conservation Commission for impacts to buffer zones of wetland resource area (and, in the case of an appeal, a Superseding Order from Massachusetts Department of Environmental Protection (MassDEP)). Because the project involves a transfer of Article 97 land, MEPA jurisdiction over the project extends to all aspects of the project that may cause Significant Damage to the Environment.

Review of the DEIR

The purpose of MEPA review is to ensure that a proponent studies feasible alternatives to a proposed project; fully discloses the environmental impacts of a proposed project; and incorporates all feasible means to avoid, minimize, or mitigate Damage to the Environment, as defined in the MEPA regulations. I have fully examined the record before me, including but not limited to the Scope contained in the Certificate on the ENF issued on December 3, 2007; the DEIR filed in response; and the comments entered into the public record. I find that the DEIR is sufficiently responsive to the requirements of the MEPA regulations and the Scope to meet the regulatory standard for adequacy.

Most notably, the DEIR described the purchase of an additional two acres of property abutting the Blue Hills River south of Route 93/128 and east of Route 28 in Randolph (the Blue Hills River Parcel). I commend the proponent for proposing to convey the Blue Hills River Parcel to DCR at no cost as part of its mitigation proposal. Conveyance of the Blue Hills River Parcel to DCR will strengthen connections between DCR properties located along the Blue Hills River, including the newly-acquired Pacella parcel. The inclusion of the Blue Hills River parcel in the land swap will also ensure that the proponent will achieve an acceptable 1.5:1 ratio of newly protected land to mitigate the disposition. Additionally, the proponent has committed to reserve ten spaces in the proposed parking lot for trail access by visitors to the Blue Hills Reservation.

Although the DEIR has demonstrated that the no net loss provisions of the Article 97 Policy will be satisfied by the conveyance to DCR of both the Hart Parcel and the Blue Hills River Parcel, I note that many commenters, including DCR, have expressed concern that the DCR Parcel has not been adequately or appropriately appraised to reflect its fair market value as required by the Executive Office of Energy and Environmental Affairs' (EEA) Article 97 Land Disposition Policy. DCR's reasons for this concern stem from its observation that the appraisals were performed nearly three years ago, and are therefore outdated. In the normal course, EEA's policy for land acquisition requires that an appraisal be completed one year prior to a transaction. Additionally, I note that DCAMM has acknowledge that, prior to the conveyance, the proponent must update the appraisals using the same appraiser and the same methodologies which were approved by the Inspector General based on the independent review appraiser's review of the October 2005 appraisals.

The proposed project is emblematic of the broader policy considerations posed by increased pressures to convert Article 97 lands to other uses. These development pressures pose a significant threat to the conservation legacy that the Commonwealth has been building over the past several decades in partnership with local governments. While I recognize that the Acts of 2002 require DCAMM to dispose of the property, the MEPA statute and regulations, as well as the Article 97 Land Disposition Policy, require that I ensure that every project adequately mitigate its impacts if they cannot be avoided or minimized. In this instance, the adequacy of the proposed mitigation cannot be determined until the appraisals for the subject parcels have been updated. Therefore, I am requiring that the proponent prepare and submit a narrowly-scoped Final EIR (FEIR) to ensure the project's compliance with MEPA and consistency with the Article 97 Land Disposition Policy.

FEIR Scope

The DEIR was the subject of many comment letters submitted by environmental groups, citizens, and other stakeholders who are opposed this proposed land transfer. While I acknowledge their vociferous opposition, the proposed land transfer was mandated by Chapter 240 of the Acts of 2002. Therefore, while the FEIR should include a copy of each comment letter received, I am not requiring that the FEIR respond individually to each comment letter. However, if the proponent so chooses, the FEIR may present responses to specific substantive comments, or respond to similar substantive comments collectively.

The FEIR should thoroughly address the comments submitted by the State Agencies with review and/or permitting authority over the project, specifically, DCR, the Natural Heritage and Endangered Species Program, and the Massachusetts Historical Commission (MHC). As DCAMM has indicated that new appraisals will be required in any event prior to the proposed land transfer, I am requiring that the FEIR present updated appraisals for the Hart Parcel and the DCR Parcel. The proponent should consult with DCR, DCAMM, and the Inspector General's office on this issue. With updated appraisals, DCR will better be able to determine if the proposed project has adequately and properly mitigated its impacts.

The DEIR included a draft Section 61 Finding for use by state agencies that provided an overview of project impacts and mitigation. The FEIR should present a revised draft Section 61 Finding(s) based on the results of the updated appraisals and the outcome of any additional consultations with DCR and DCAMM. The draft Section 61 Finding(s) should include a clear commitment to implement mitigation measures, estimate the individual costs of the proposed mitigation, identify the responsible parties, and provide a schedule for implementation.

June 27, 2008

Date



Ian A. Bowles

IAB/ACC/acc

Comments received:

6/18/08	John Schoohter
6/18/08	Mass Historical Commission
6/18/08	Paula Chason
6/18/08	Peter F. Jackson
6/18/08	Friends of the Blue Hills
6/18/08	David O'Brien (e-mail)
6/18/08	David S. Delaney (e-mail)
6/18/08	Brian Delaney (e-mail)
6/18/08	Robert Quinn (e-mail)
6/18/08	David Jackson (e-mail)
6/18/08	Kathleen W. Mallet (e-mail)
6/18/08	James M. Martin (e-mail)
6/19/08	John C. Berg
6/18/08	Stephen Davis (e-mail)
6/18/08	John McShane (e-mail)
6/18/08	Owen Hartford (e-mail)
6/18/08	Judith Chute (e-mail)
6/18/08	Paula Klusas-King (e-mail)
6/18/08	Ken Jones (e-mail)
6/18/08	Margie Grogan (e-mail)
6/18/08	Caroline B. Armstrong (e-mail)
6/18/08	Deborah Stein Sharpe (e-mail)
6/18/08	Sheila D. Tingle (e-mail)
6/18/08	Patricia Foy (e-mail)
6/18/08	John Sullivan (e-mail)
6/18/08	Peter A. Zuger (e-mail)
6/18/08	Trudie LaVigne (e-mail)
6/18/08	Terilyn Elibero (e-mail)
6/18/08	John Sullivan (e-mail)

6/18/08 Cecilia Stone (e-mail)
6/18/08 Janine Mudge (e-mail)
6/18/08 N. Stuart Harris MD (e-mail)
6/18/08 Beth and Peter Graham (e-mail)
6/18/08 Mary Adams (e-mail)
6/18/08 Professor Robert Kennedy (e-mail)
6/18/08 John Hajjar (e-mail)
6/18/08 Jon Lehman (e-mail)
6/18/08 Michael P. Drozdick & Julia M. Hogan (e-mail)
6/18/08 Maura Porter (e-mail)
6/18/08 Naomi Myrvaagnes (e-mail)
6/18/08 Richard W. Carnes (e-mail)
6/18/08 Peter Jeffries (e-mail)
6/18/08 Elizabeth J. Quinn (e-mail)
6/18/08 Debbie Munroe (e-mail)
6/18/08 Edward Dowling (e-mail)
6/18/08 John Munroe (e-mail)
6/18/08 Art Weingarten (e-mail)
6/18/08 Mary Jane Smith (e-mail)
6/18/08 Gizella Betak (e-mail)
6/18/08 Hugh Stringer (e-mail)
6/18/08 Stephen OBrien (e-mail)
6/18/08 Deborah Lovett (e-mail)
6/18/08 Paula & David Murphy (e-mail)
6/18/08 Laurie and Judy Kennedy (e-mail)
6/18/08 Michael W. Ryan (e-mail)
6/18/08 Karen Singleton (e-mail)
6/18/08 Andrea and Matthew Kameron (e-mail)
6/18/08 Bob Mazairz (e-mail)
6/18/08 Laurie Macintosh (e-mail)
6/17/08 Joan L. Gancarski (e-mail)
6/18/08 Bridget and Carl Mastandrea (e-mail)
6/18/08 Robert B. Tamkin and Leslie Roitman (e-mail)
6/18/08 Patricia Binda (e-mail)
6/18/08 Lisa Troy (e-mail)
6/18/08 Gloria Adomkaitis (e-mail)
6/18/08 Christine E. Grundy (e-mail)
6/18/08 Karen Gregg (e-mail)
6/18/08 Fran Karoff (e-mail)
6/18/08 Patti and Darryl Elliott (e-mail)
6/18/08 Karin and Chris Mylod (e-mail)
6/18/08 Pro. Barrett (e-mail)
6/18/08 Dr. Kevin Baer (e-mail)
6/18/08 Erick Ask (e-mail)
6/18/08 Thomas Johnson (e-mail)
6/18/08 Margaret D. Sweeney (e-mail)

6/18/08 Frank Grimes (e-mail)
6/18/08 Rachel Rubin (e-mail)
6/18/08 Sandra Howland (e-mail)
6/18/08 Ethan Kerr (e-mail)
6/18/08 Mike Blackwell (e-mail)
6/18/08 Julie Kelley (e-mail)
6/18/08 Deborah Lovett (e-mail)
6/18/08 Sarah and James Mills (e-mail)
6/19/08 David Harris, Jr.
6/19/08 Henry Barbaro
6/19/08 Belmont Citizens Forum
6/20/08 Robert W. Romeri
6/20/08 Thomas C. Fitzgerald
6/20/08 Blue Hill Adventure
6/19/08 Sierra Club
6/20/08 Paul Dobbs (e-mail)
6/20/08 George Mileris
6/23/08 June N. Robinson
6/20/08 David R. DeFilippo AIA
6/20/08 Stephen H. Kaiser
6/20/08 Steven H. Olanoff
6/20/08 DEP/SERO
6/20/08 Sierra Club (e-mail)
6/19/08 John Goldrosen
6/18/08 Winthrop Burr (e-mail)
6/20/08 Winthrop Burr (e-mail)
6/20/08 Tamara Berton and Mary Neiman (e-mail)
6/20/08 Peter Tandara-Kuhns (e-mail)
6/20/08 Judith Eiseman (e-mail)
6/20/08 Vicki Rugo (e-mail)
6/20/08 Cynthia Brown (e-mail)
6/20/08 John Flaherty (e-mail)
6/20/08 Kevin J. Scannell (e-mail)
6/20/08 Helen P. Netos (e-mail)
6/20/08 Joe Sloane (e-mail)
6/20/08 Nick Georgantas (e-mail)
6/20/08 Maureen E. Dwyer (e-mail)
6/18/08 Fisheries & Wildlife NHESP
6/19/08 Mass Audubon
6/18/08 Peter F. Jackson
6/20/08 DCR
6/20/08 Randolph Board of Selectmen
6/25/08 DCAMM (e-mail)
6/25/08 Ann-Marie Joyce