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July 7, 2006

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS
ON THE
NOTICE OF PROJECT CHANGE

PROJECT NAME : Mattapoisett River Valley Water District
 PROJECT MUNICIPALITY : Mattapoisett
 PROJECT WATERSHED : Buzzards Bay
 EOE NUMBER : 13576
 PROJECT PROPONENT : Mattapoisett River Valley Water District Commission
 DATE NOTICED IN MONITOR : June 7, 2006

Pursuant to the Massachusetts Environmental Policy Act (G.L. c. 30, ss. 61-62H) and Section 11.10 of the MEPA regulations (301 CMR 11.00), I have reviewed the Notice of Project Change (NPC) submitted for this project and hereby determine that it **does not require** the preparation of an Environmental Impact Report (EIR).

Project Description

The proposed project was originally reviewed in July 2005 at which time the project consisted of a wastewater treatment facility (WWTF) and associated water mains located in Rochester and Mattapoisett between Wolf Island Road and Tinkham Lane. The project consisted of the construction of a water treatment facility capable of treating up to six million gallons per day (gpd) of water and reducing iron and manganese concentrations. This WWTF is designed to treat raw water from eight existing groundwater wells that provide water to the Towns of Fairhaven, Marion and Mattapoisett. Review under the MEPA regulations was required due to alteration of designated significant rare species habitat, alteration of 5,000 square feet or more of Bordering Vegetated Wetlands (BVWs), and the construction of a water treatment facility with a capacity of one million or more gpd. The Certificate on the ENF issued on August 8, 2005 determined that the project did not require the preparation of an EIR.

The proposed project change consists of the following:

1. Relocation of the Metering Station from an area adjacent to the Wolf Island Road Well in Rochester to the Town of Marion's Department of Public Works property located off Benson Brook Road in Marion;

2. The elimination of 2,200 feet of finished water transmission main within Wolf Island Road;
3. The installation of 9,500 feet of water transmission main along an abandoned railroad easement from Industrial Drive in Mattapoissett to the Metering Station, and ultimately Benson Brook Road (this will connect the Metering Station to the Mattapoissett distribution system); and
4. The revision of the water transmission main alignment to accommodate existing drainage infrastructure associated with a cranberry growing operation.

According to the NPC, this project change will result in the additional alteration of approximately 1.67 acres of land associated with the construction of water mains, an additional 180 square feet of temporary disturbance to bordering vegetated wetlands, and an additional 1.38 miles of water main. Work will occur within areas regulated under both the Wetlands Protection Act and the Massachusetts Endangered Species Act (i.e. Priority Habitat). The areas proposed for the location of the new Metering Station in Marion, along with the water main location within the abandoned railroad bed, were not reviewed as part of the ENF. The Wolf Island Road water main and cranberry bog water transmission main are generally located in areas previously considered in the review of the ENF.

Water Management

The proposed changes within this NPC will not alter the capacity of the water treatment facility, nor affect its ability to reduce iron and manganese concentrations. The facility will continue to treat raw water from eight existing groundwater wells that provide water to the Towns of Fairhaven, Marion and Mattapoissett.

Wetlands

The proponent will be required to prepare detailed plans depicting the proposed work within the abandoned railroad bed in association with the filing of Notices of Intent with the Towns of Marion and Mattapoissett. Revised plans associated with the relocation of the Metering Station and water mains will be required in accordance with additional review by local Conservation Commissions and DEP. These plans should be of sufficient detail to allow for a determination of potential impact to both wetlands and rare species habitat. These plans should include cross-sectional profiles of the BVWs or bordering land subject to flooding as recommended in DEP's comment letter. Compliance with regulatory performance standards and Wetland Program Policies can be addressed during the permitting process under the Wetlands Protection Act.

I recommend that, as part of the Individual 401 Water Quality Certification review process, that the proponent refer to the *U.S. Army Corps and Massachusetts River and Stream Crossing Standards: Technical Guidelines*, dated August 6, 2004 for opportunities to avoid or mitigate impacts associated with proposed stream crossings.

A Chapter 91 Waterways License may be required for those portions of the project shown on the plans submitted with the NPC as crossing Branch Brook. I advise the proponent to contact the DEP Southeast Regional Office Chapter 91 Waterways Program to obtain a formal jurisdictional determination.

Rare Species

In its comment letter, the Division of Fisheries and Wildlife Natural Heritage and Endangered Species Program (NHESP) notes that the proposed project and associated changes will occur within Priority Habitat of Rare Species, including the Eastern Box Turtle and Water Willow Stem Borer. The project also will impact former Estimated and Priority Habitat associated with the recently delisted Spotted Turtle.

The proponent indicates a continuing dialogue with NHESP regarding mitigation measures and construction period impacts associated with the Spotted Turtle, established through previous Orders of Conditions and filings associated with the Massachusetts Endangered Species Act (MESA). As recommended by NHESP, I strongly encourage the proponent to maintain the existing protocols established in association with work in Spotted Turtle habitat. The proponent should resolve any potential conflicts in protocols related to Spotted Turtle protection between the NHESP NPC comment letter and previously agreed upon sequencing associated with DEP's 401 Water Quality Certification process.

Additionally, the proponent should work with local conservation commissions and NHESP to evaluate potential impacts and prepare a mitigation plan to avoid and minimize impacts to Water Willow Stem Borer and the Eastern Box Turtle in accordance with MESA regulations. NHESP will also have the opportunity to provide comment on specific elements of the project during review of the Notices of Intent filed with local Conservation Commissions.

Conclusion

The impacts of the project within MEPA jurisdiction do not warrant the preparation of an EIR. I conclude that no further MEPA review is required. The proponent may resolve any remaining issues during the state and local permitting processes.

July 7, 2006

DATE



Stephen R. Pritchard, Secretary

Comments received:

6/27/06 Division of Fisheries and Wildlife
 6/27/06 Division of Marine Fisheries
 7/03/06 Department of Environmental Protection - SERO

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SRP/HSJ/hsj