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September 5, 2008

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

PROJECT NAME : Foley Land Swap
PROJECT MUNICIPALITY : Holden
PROJECT WATERSHED : **Nashua** River, Wachusett Reservoir
EOEA NUMBER : 14292
PROJECT PROPONENTS : **John Foley and Janet Foley**
DATE NOTICED IN MONITOR : August 6, 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 hereby determine that this project **does not require** the preparation of an Environmental Impact Report (EIR).

The project consists of a land swap between the proponents and the Massachusetts Department of Conservation and Recreation (DCR). The proponents will convey to DCR a Conservation Restriction and Easement on 81,715 square feet of land that they own (part of the 54 Harris Street property) in exchange for 15,704 square feet of adjacent state-owned watershed land. As noted in the DCR comment letter, the property to be acquired by DCR has significant watershed protection value, while the land to be conveyed to the proponents has an existing lawn and driveway, which was constructed prior to acquisition by DCR.

The project does not meet or exceed thresholds for a mandatory EIR. The project is undergoing environmental review pursuant to Section 11.03(1)(b)(3) of the MEPA regulations because it involves a disposition of Article 97 land. The land transfer was approved by the Legislature on August 9, 2004, as Chapter 264 of the Acts of 2004. The project requires a conveyance of state-owned Article 97 land by the Division of Capital Asset Management (DCAM) and acquisition of a watershed preservation restriction and conservation easement. The project involves a land transfer but does not involve financial assistance from the

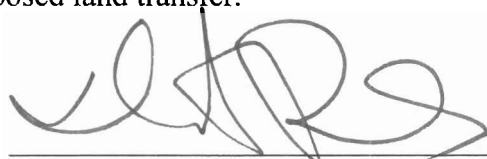
Commonwealth. Therefore, MEPA jurisdiction is limited to those aspects of the project within the area subject to the land transfer.

The subject property is located within the watershed of the Wachusett Reservoir. The DCR will gain almost two acres of forested land for water quality protection in exchange for a much smaller parcel with limited watershed protection value. DCR has indicated that the land swap is consistent with its Office of Watershed Management internal disposition policy. I note that the Massachusetts Department of Environmental Protection (MassDEP) fully supports these watershed protection efforts.

I am satisfied that ENF has sufficiently defined the nature and general elements of the project, and demonstrated that the proposed land swap is consistent with the Executive Office of Energy and Environmental Affairs (EEA) Article 97 Land Disposition Policy. Based on review of the ENF and comments received, and consultation with state agencies, I have determined that no further MEPA review is required for the proposed land transfer.

September 5, 2008

DATE



Ian A. Bowles, Secretary

Comments Received:

- 8/06/08 Department of Environmental Protection, Central Regional Office
- 8/27/08 Department of Conservation and Recreation

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