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September 5, 2008

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

PROJECT NAME : Fuller Street Cranberry Bog Project
PROJECT MUNICIPALITY : Middleborough
PROJECT WATERSHED : Raven Brook
EOEA NUMBER : 14294
PROJECT PROPONENT : Fuller Street LLC
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 determine that this project **does not require** the preparation of an Environmental Impact Report (EIR).

According to the Environmental Notification Form (ENF), the proposed project entails construction of 11 acres of cranberry bog on pasture land off Fuller Street in Middleborough. The proponent proposes to withdraw approximately 58,500 gallons of water per day (gpd) to serve the bogs. The proposed project also includes the construction of a bypass canal through an adjacent 29.4-acre parcel of land and the installation of a 24-inch culvert at Fuller Street to alleviate flooding conditions at this location.

The project is subject to review pursuant to Section 11.03(1)(b)(1) of the MEPA regulations because it will directly alter 25 or more acres of land. The project will require a Water Management Act (WMA) Withdrawal Permit from the Department of Environmental

Protection (MassDEP). The proponent will consult with the Natural Heritage and Endangered Species Program (NHESP) regarding the measures necessary to avoid a "Take" of the Eastern Box Turtle during the construction of the cranberry bogs. It may require a Conservation and Management Permit from NHESP. The project should comply with the National Pollution Discharge Elimination System (NPDES) General Permit from the U.S. Environmental Protection Agency for stormwater discharges from a construction site. 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, species habitat and land).


MassDEP has stated that cranberry farmers who operate more than 9.3 acres of bog are required to obtain a WMA permit because they typically use more than nine million gallons of water in a consecutive three month period. I note that the proponent will be required to present an estimate of monthly water use during the WMA permitting process and, also, to show the source water and direction of water flow on the site. The ENF shows a proposed on-site reservoir supplying the proposed bogs, but the source of the water to the reservoir is unclear, this must be explained in detail during permitting. The WMA permit will also require the proponent to develop a Farm Plan with the Plymouth County Conservation District and consider ways to increase the energy efficiency of this project.

According to the proponent, the proposed agricultural project, including bog and reservoir construction, will not require the filing of a Notice of Intent under the Wetlands Protection Act because no activities will occur within 100 feet of any wetland resource area. However, MassDEP indicates that an Order of Resource Area Delineation was issued by the Middleborough Conservation Commission on September 21, 2006, which defines the wetland resources on the site. MassDEP states that unless the Order of Resource Area Delineation is extended, it will expire on September 21, 2009. I strongly encourage the proponent to consult with MassDEP to thoroughly address MassDEP's comments and concerns, as expressed in its comment letter.

The Natural Heritage and Endangered Species Program (NHESP) of the Massachusetts Division of Fisheries and Wildlife has stated that the project site is located within Priority Habitat for the Eastern Box Turtle (*Terrapene carolina*) as indicated in the 12th Edition of the MA Natural Heritage Atlas and therefore requires review through a direct filing with NHESP for compliance with the Massachusetts Endangered Species Act (MESA 321 CMR 10.00). The comments from the NHESP indicated that the proponent has worked with NHESP to minimize and avoid impacts to the Eastern Box Turtle by reducing the size of the proposed bogs and by agreeing to develop and implement a turtle protection plan for the construction period. In addition, the proponent has agreed to place the entire parcel under a Conservation Restriction with clearly defined limits for agricultural activities. I anticipate that the proponent will continue to consult with NHESP during the permitting process.

I conclude that no further MEPA review is required. The review of the ENF has served to demonstrate that the potential impacts of the project do not warrant the preparation of an EIR. The proponent can resolve any remaining issues during the permitting process.

September 5, 2008
Date



Ian A. Bowles

Comments received:

8/26/2008 MassDEP/SERO
8/26/2008 NHESP of the Massachusetts Division of Fisheries and Wildlife

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