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October 24, 2008

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

PROJECT NAME : Single Family Dwelling – Tuckernuck Island  
PROJECT MUNICIPALITY : Nantucket  
PROJECT WATERSHED : Cape & Islands  
EEA NUMBER : 14318  
PROJECT PROPONENT : Bennett Engineering, Inc.  
DATE NOTICED IN MONITOR : September 24, 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).

As described in the Environmental Notification Form (ENF), the project consists of the construction of a 2-story, single family dwelling with a footprint area of 1196 square feet, a septic system, drinking water well and other utilities. The Proponent also proposes to move an existing 640 square foot structure known as “The Humane House”, the Tuckernuck Humane Society Lifesaving Station, to the site. The Humane House formerly stood on the shoreline to the southeast of the proposed site. It will be utilized as a shed/garage. The site is a 6.33-acre parcel on the island of Tuckernuck approximately one mile off the west end of Nantucket.

Estimated project impacts include alteration of 21,000 square feet of land. The project site is located in *Priority Habitat* and *Estimated Habitat* for the Endangered Short-eared Owl (*Asio flammeus*) and five species of plants of Special Concern. The Division of Fisheries and

Wildlife Natural Heritage and Endangered Species Program (NHESP) has determined that the proposed project will result in a "take" (as defined at 321 CMR 10.18(2)(b)) of these species. To limit future impact to this *Priority Habitat* and *Estimated Habitat* the Proponent proposes to dedicate the remaining 5.85 acres of the lot to be subject to a Conservation Restriction for the benefit of the Nature Conservancy. No direct alteration of wetland resource areas is anticipated.

### Jurisdiction

The project is undergoing MEPA review pursuant to Section 11.03(2)(b)(2) because it requires a State agency action and will result in the take of an endangered or threatened species, or species of special concern on a Project site greater than two acres in area that is mapped as a Priority Site of Rare Species Habitats. The project will require a Conservation and Management Permit from the NHESP. The ENF also indicates that less than one acre of land will be altered; however if greater than one acre is altered approval under the National Pollutant Discharge Elimination System (NPDES) Construction General Permit (CGP) will be required from the United States Environmental Protection Agency.

Because the proponent is not seeking financial assistance from the Commonwealth for the project, MEPA jurisdiction extends to those aspects of the project that are within the subject matter of required or potentially required state permits and that may cause Damage to the Environment as defined in the MEPA regulations. In this case, MEPA jurisdiction exists over rare species.

### Rare Species

The project site is located in *Priority Habitat* and *Estimated Habitat* for the Endangered Short-eared Owl (*Asio flammeus*) and five species of plants of Special Concern, the Nantucket Shadbush (*Amelanchier nantucketensis*), the Bushy Rockrose (*Crocanthemum dumosum*), the Sandplain Flax (*Linum intercursum*), the New England Blazing Star (*Liatris sacriosa* var. *novae-angliae*) and the Sandplain Blue-eyed Grass (*Sisyrinchium fuscatum*). The NHESP has determined that the proposed project will result in a "take" (321 CMR 10.18(2)(b)) of these species. The Proponent will be required to obtain a Conservation and Management Permit from the NHESP in accordance with the Massachusetts Endangered Species Act (MESA) (M.G.L. c.131A) and its implementing regulations (321 CMR 10.00).

The ENF indicates that approximately 5.85 acres of the project site will be deed-restricted to limit future impact to this *Priority Habitat* and *Estimated Habitat*. The terms and conditions of this restriction should be prepared in cooperation with the NHESP during the Conservation and Management Permit approval process.

### Historic

The Proponent proposes to move an existing 640 square foot structure known as "The Humane House", the Tuckernuck Humane Society Lifesaving Station, to the site to be utilized as a shed/garage. The Humane House, listed in the State Register of Historic Places, formerly stood on the shoreline to the southeast of the proposed site. It has been repeatedly moved in 1957,

1981, 1997 and 2007 due to an eroding shoreline. The Massachusetts Historical Commission (MHC) has requested additional information in its comment letter to determine what effect the proposed project will have on this historic structure. The proponent should consult MHC and the Nantucket Historic District Commission to address the issues that were raised in MHC's comment letter.

### Construction Period Impacts

If the project results in the direct alteration of one acre or more of land, the Proponent will be required to prepare a Stormwater Pollution Prevention Plan (SWPPP) in accordance with the NPDES Stormwater Permit for Construction Activities. I encourage the Proponent to clearly identify the limits of work to prevent alteration of anticipated habitat restriction areas.

Based on the information in the ENF and after consultation with relevant public agencies, I find that no further MEPA review is required. The project may proceed to State permitting.



October 24, 2008

Date

Ian A. Bowles

### Comments received:

10/10/2008	Division of Fisheries and Wildlife – Natural Heritage and Endangered Species Program
10/10/2008	Massachusetts Historical Commission
10/14/2008	Division of Marine Fisheries
10/14/2008	Department of Environmental Protection, SERO

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