



The Commonwealth of Massachusetts
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

Deval L. Patrick
GOVERNOR

Timothy P. Murray
LIEUTENANT GOVERNOR

Ian A. Bowles
SECRETARY

Tel: (617) 626-1000
Fax: (617) 626-1181

<http://www.mass.gov/envir>

November 21, 2008

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

PROJECT NAME : NFAA-DFW Land Exchange
PROJECT MUNICIPALITY : Sandwich
PROJECT WATERSHED : Cape and Islands
EOEA NUMBER : 14334
PROJECT PROPONENTS : Nye Family of America Association, Inc.
DATE NOTICED IN MONITOR : October 22, 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 transfer between the Massachusetts Division of Fisheries and Wildlife (DFW) and the Town of Sandwich. This land transfer falls under Section 1 of Chapter 198 of the Acts of 2007. Under this act, the Division of Capital Asset Management (DCAM) and Maintenance has the authorization to convey certain conservation land to the proponent. DCAM is preparing to convey a parcel of state owned land totaling 1.39 acres located off Old County Road in East Sandwich, Massachusetts to the proponent. In exchange a parcel held by the proponent, consisting of 2.73 acres located off Old County Road in East Sandwich, will be conveyed to DFW.

The project is undergoing review pursuant to section 11.03 (1)(b)(3) of the MEPA regulations, because the project results in the conversion of land held for natural resources purposes in accordance with Article 97 of the Amendments to the Constitution of the Commonwealth to a purpose not in accordance with Article 97. The project requires a real estate transfer from the DCAM. In Chapter 198 of the Acts of 2007, the Legislature authorized DCAM to convey the lands described above to the proponent. MEPA jurisdiction extends to all potential environmental impacts of the project, because one of the parties to the transfer, DFW, is a state

agency. DFW is in support of this land transfer and has no objection to the proponent obtaining any necessary approvals and recording the plan.

The proponent seeks to secure approximately 1.39 acres of land immediately adjacent to its 1681 Benjamin Nye Homestead and Museum complex on Old County Road, in exchange for approximately 2.74 acres of undeveloped DFW land abutting the complex off Old County Road. No alteration to either of the two parcels is proposed at this time. The conveyance of the property to the proponent will ensure the museum complex will adjoin the proponent's owned 1889 East Sandwich Grange Hall. The conveyance of property from DFW to the proponent will also convey a deteriorated former water mill building (circa 1858) which the proponent intends to restore as a historic water milling museum.

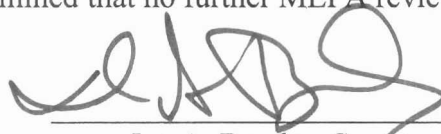
The conveyance of the proponents parcel to DFW will augment and strengthen DFW's land holdings. The parcel is surrounded on three sides by DFW's existing conservation land. The conveyance will include ownership of a road right of way that will provide direct access from Old County Road to DFW's land holdings known as the East Sandwich Game Farm.

It is the policy of Executive Office of Energy and Environmental Affairs (EEA) and its agencies to protect, preserve and enhance all open space areas covered by Article 97 of the Articles of Amendment to the Constitution of the Commonwealth of Massachusetts. As a general rule, EEA and its agencies shall not support an Article 97 land disposition unless EEA and its agencies determine that exceptional circumstances exist and is subject to stringent conditions being met. I have determined that all options to avoid the Article 97 disposition have been explored and no feasible and substantially equivalent alternative exists. In addition, the disposition of the subject parcel and its proposed use do not destroy or threaten a unique or significant resource. I also note that the Massachusetts Department of Environmental Protection (MassDEP), the Massachusetts Historical Commission (MHC) and the Cape Cod Commission support this transfer. As part of the disposition, I understand that real estate of equal or greater fair market value is being granted to DFW. And finally, the disposition serves an Article 97 purpose.

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 EEA Article 97 Land Disposition Policy. Based on review of the ENF and comments received, and after consultation with state agencies, I have determined that no further MEPA review is required for the proposed land transfer.

November 21, 2008

Date



Ian A. Bowles, Secretary

Comments Received:

- 10/21/08 Cape Cod Commission
- 10/28/08 Massachusetts Historical Commission
- 11/13/08 Department of Environmental Protection, Southeast Regional Office

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