

ENF Environmental Notification Form

For Office Use Only
Executive Office of Environmental Affairs
 EOE No.: **14348**
 MEPA Analyst: **BILL GAGE**
 Phone: 617-626-**X 1025**

The information requested on this form must be completed to begin MEPA Review in accordance with the provisions of the Massachusetts Environmental Policy Act, 301 CMR 11.00.

Project Name: Whites Lane Restoration Project		
Street: 33 Whites Lane & 22 Hensons Way		
Municipality: Orleans	Watershed: Pleasant Bay Estuary	
Universal Transverse Mercator Coordinates:	Latitude: W 69 degrees 58' 19"	Longitude: N 41 degrees 46' 37"
Estimated commencement date: 01/09	Estimated completion date: 06/12	
Approximate cost: \$180,000	Status of project design: 100 %complete	
Proponent: Orleans Conservation Trust, c/o Wilkinson Ecological Design Inc.		
Street: 40 Bakers Pond Rd.		
Municipality: Orleans	State: MA	Zip Code: 02653
Name of Contact Person From Whom Copies of this ENF May Be Obtained: SETH WILKINSON		
Firm/Agency: WED, INC	Street: 40 BAKER'S POND RD	
Municipality: ORLEANS	State: MA	Zip Code: 02653
Phone: 508-255-1113	Fax: 508-255-9477	E-mail: sethwcape.com

- Does this project meet or exceed a mandatory EIR threshold (see 301 CMR 11.03)?
 Yes XNo
- Has this project been filed with MEPA before?
 Yes (EOEA No. _____) XNo
- Has any project on this site been filed with MEPA before?
 Yes (EOEA No. _____) XNo
- Is this an Expanded ENF (see 301 CMR 11.05(7)) requesting:
- a Single EIR? (see 301 CMR 11.06(8)) Yes XNo
 - a Special Review Procedure? (see 301 CMR 11.09) Yes XNo
 - a Waiver of mandatory EIR? (see 301 CMR 11.11) Yes XNo
 - a Phase I Waiver? (see 301 CMR 11.11) Yes XNo

Identify any financial assistance or land transfer from an agency of the Commonwealth, including the agency name and the amount of funding or land area (in acres): The Landowner Incentive Program (LIP), administered by the MA DFW, will contribute \$75,489 to the project for the present fiscal year. The Orleans Conservation Trust (OCT), will reapply to the LIP in subsequent years.

Are you requesting coordinated review with any other federal, state, regional, or local agency
 No Yes (Specify) The project has been unanimously approved by the Orleans Conservation Commission and is supported the Massachusetts NHESP. The DEP is in the process of issuing a Superseding Order of Conditions.

Which ENF or EIR review threshold(s) does the project meet or exceed (see 301 CMR 11.03):

- | | | |
|--|---------------------------------------|--|
| <input type="checkbox"/> Land | <input type="checkbox"/> Rare Species | <input checked="" type="checkbox"/> Wetlands, Waterways, & Tidelands |
| <input type="checkbox"/> Water | <input type="checkbox"/> Wastewater | <input type="checkbox"/> Transportation |
| <input type="checkbox"/> Energy | <input type="checkbox"/> Air | <input type="checkbox"/> Solid & Hazardous Waste |
| <input checked="" type="checkbox"/> ACEC | <input type="checkbox"/> Regulations | <input type="checkbox"/> Historical & Archaeological Resources |

Summary of Project Size & Environmental Impacts	Existing	Change	Total	State Permits & Approvals
LAND				<input checked="" type="checkbox"/> Order of Conditions <input checked="" type="checkbox"/> Superseding Order of Conditions <input type="checkbox"/> Chapter 91 License <input type="checkbox"/> 401 Water Quality Certification <input type="checkbox"/> MHD or MDC Access Permit <input type="checkbox"/> Water Management Act Permit <input type="checkbox"/> New Source Approval <input type="checkbox"/> DEP or MWRA Sewer Connection/ Extension Permit <input type="checkbox"/> Other Permits <i>(including Legislative Approvals) – Specify:</i>
Total site acreage	9.62 acres			
New acres of land altered		9.62 acres		
Acres of impervious area	0	0	0	
Square feet of new bordering vegetated wetlands alteration		23,000sf		
Square feet of new other wetland alteration (LSCSF)	Phase1= Phase2=	86,400sf 37,700sf		
Acres of new non-water dependent use of tidelands or waterways		0		
STRUCTURES				
Gross square footage	NA			
Number of housing units	NA			
Maximum height (in feet)	NA			
TRANSPORTATION				
Vehicle trips per day	NA			
Parking spaces	NA			
WATER/WASTEWATER				
Gallons/day (GPD) of water use	NA			
GPD water withdrawal	NA			
GPD wastewater generation/ treatment	NA			
Length of water/sewer mains (in miles)	NA			

CONSERVATION LAND: Will the project involve the conversion of public parkland or other Article 97 public natural resources to any purpose not in accordance with Article 97?

Yes (Specify _____) No

Will it involve the release of any conservation restriction, preservation restriction, agricultural preservation restriction, or watershed preservation restriction?

Yes (Specify _____) No

RARE SPECIES: Does the project site include Estimated Habitat of Rare Species, Vernal Pools, Priority Sites or Rare Species, or Exemplary Natural Communities?

Yes (Specify_The adjacent saltmarsh and protected cove are integral areas for juvenile diamondback

terrapins while they are developing and in need of escape cover and protected foraging areas. The habitat restoration project will improve and create important turtle nesting habitat for diamondback terrapins and eastern box turtles that is lacking in this and surrounding areas. Robert Prescott, director of WBWS and Lori Erb, herpetologist with NHESP both support this project and have contributed their expertise in this area and will continue to work with Wilkinson Ecological Design in the implementation of this project. The Massachusetts DFW has determined that this project is in compliance with the rare species wildlife species section of the MA WPA regulations (310 CMR 10.37); and exempt from MESA review pursuant to 321 CMR 10.14. The Land Management Plan submitted for this project was accepted by the DFW. (See attached letters) _____) No

HISTORICAL /ARCHAEOLOGICAL RESOURCES: Does the project site include any structure, site or district listed in the State Register of Historic Place or the inventory of Historic and Archaeological Assets of the Commonwealth?
Yes (Specify _____) xNo

If yes, does the project involve any demolition or destruction of any listed or inventoried historic or archaeological resources?

Yes (Specify _____) xNo

AREAS OF CRITICAL ENVIRONMENTAL CONCERN: Is the project in or adjacent to an Area of Critical Environmental Concern?

xYes (Specify_PLEASANT BAY A.C.E.C. _____) No

PROJECT DESCRIPTION: The project description should include (a) a description of the project site, (b) a description of both on-site and off-site alternatives and the impacts associated with each alternative, and (c) potential on-site and off-site mitigation measures for each alternative (You may attach one additional page, if necessary).

Please refer to the attached Land Management Plan for further details.

DESCRIPTION OF PROJECT SITE: The Whites Lane Restoration Project is comprised of two parcels of land. The White Gift parcel is 7.39 acres of land divided by a narrow unpaved road named Whites Lane which provides access to one dwelling and deeded access to the estuary for a number of residents in the vicinity. The White Gift Parcel borders a tidal river to the east as well as a cove and saltmarsh to the south. The Wildt Gift parcel is 2.23 acres in size. An upland wetland of approximately 1/2-acre, straddles the two parcels that are owned by the Orleans Conservation Trust which is a private non-profit organization. Both parcels are located at the northern end of Pleasant Bay in Orleans, Massachusetts on the peninsula of Cape Cod. Significant portions of both parcels are within the ACEC boundry, including the tidal river to the east. The entire property is located within the Natural Heritage and Endangered Species Program Bio Map Core Habitat. The property is permanently protected, as are a number of other areas in the vicinity. The uplands, which were former asparagus fields contain some native tree species such as oak, pitch pine, cherry and red cedar; are currently severely invaded by invasive plants such as black locust, Asiatic bittersweet, multiflora rose, border privet and honeysuckle. Phragmites reed, has colonized the wetland which straddles both parcels while invasive plants dominate the wetland border.

DESCRIPTION OF PROJECT: The Whites Lane Restoration Plan is a long term restoration effort. The goals of this project are to restore approximately 7 acres of heavily invaded woodland into a sandplain grassland and early succession maritime community. The grassland will have areas suitable for the nesting of diamondback terrapin turtles and will create habitat for rare and declining grassland-dependent plants and wildlife. This is a significant step toward helping to meet the overall goal of restoring and managing a habitat type that has been regionally and nationally recognized for its environmental sensitivity and importance to wildlife. The objective is to restore and manage a combination of early successional shrubland thicket and warm season grassland adjacent to the bordering vegetated wetland community. Biological diversity and wildlife habitat will be enhanced through intensively managing invasive plants as well as installing indigenous plants and encouraging existing native plants. Invasive plant management will be a

critical objective because state recognized invasive species threaten both biological diversity and the wildlife habitat of this parcel.

ALTERNATIVE 1: (proposed and preferred) The Whites Conservation Area's proximity to Pleasant Bay highlights the importance of restoration on this parcel of land. Pleasant Bay is one of the most biologically diverse and productive marine habitats on the east coast of the United States.(Fact sheet Cape Cod National Seashore 2000), and the uplands and adjacent lands are integral to the health of this resource.

The positioning and location of this parcel make it prime potential nesting area for diamondback terrapins and eastern box turtles. Proper nesting areas for the diamondback terrapin are crucial to the long term viability of this species. The sandy, dry upland soils adjacent to healthy tidal estuaries are required for terrapin nesting sites. These site conditions exist at the Whites Lane Conservation area, however the dense thickets of invasive shrubs have precluded nesting over the vast majority of the parcel by shading out nesting areas and encroaching on open sandy areas. The White's Lane parcel has great potential to boost local declining turtle populations. Other state listed flora and fauna are also expected to benefit from the restoration project. (see 'expected benefits', page 5 in the LMP)

The Land Management Plan proposes a three year intensive plan for removing invasive species from the parcel. Extensive experience has shown that good control is usually achieved after three years of using the methods described in the land management plan. The methods proposed in the LMP are scientifically based and have proven to be very effective. Scheduled work in removing invasive plants will take place in the winter using low ground pressure compact equipment as to minimize negative impacts to existing wildlife. Native trees will not be removed and some snags from black locust will be left along the shoreline as potential roosting sites for great blue heron. Biodegradable erosion control blankets and mulch will be used where needed. There has been an extensive Land Management Plan submitted for this project. The Orleans Conservation Commission gave its unanimous approval for the project and both MNHESP and Mass Audubon have supported this project.

The Wellfleet Bay Wildlife Sanctuary will be monitoring this project before, during and after the restoration project has been completed, as far as their extensive monitoring of diamondback terrapin populations as well as other native flora and fauna that is expected to benefit from this project. Lori Erb; turtle conservation biologist, with NHESP is in strong support of this project. (see attached letter) The Orleans Conservation Trust and Wilkinson Ecological Design, Inc. welcome any oversight or guidance from the DEP or the NHESP in the implementation of this project.

ALTERNATIVE 2 : (Off-site alternative where diamondback terrapin, maritime shrubland and grassland habitat were created on another site) This alternative is not feasible as this parcel of land owned by the Orleans Conservation Trust, is one of **very** few locations where habitat restoration would directly influence the viability of the diamondback terrapin given the strict habitat requirements for adequate nesting sites.(see 'guidelines for turtle habitat management', pg 14 in LMP)

This project is fiscally feasible due to the grant awarded by the MA DFW Landowner Incentive Program and a local landowner adjacent to the parcel. This project is time sensitive given that the funding period is already in effect and this work must be done during the winter to avoid conflicts with wildlife during the more active periods of spring, summer and fall. This site has great potential to create wildlife diversity for many grassland-dependent species. WED, OCT and the Wellfleet Bay Wildlife Sanctuary conducted an exhaustive search of feasible sites and

only one other site was found which met the proper criteria for habitat enhancements and also had consenting land owners. This site, on Cedar Cove is subject to another LIP funded project and both of these sites are considered critical to the long-term survival of the diamondback terrapin, though the Whites Lane Project is considered a better candidate due to the observed terrapin activity in the adjacent estuary as well as its larger size to accommodate more nesting sites. There were no other candidate sites which ranked as high for potential habitat benefits as the subject Whites Lane project.

ALTERNATIVE 3: (Intensive use alternative) The Orleans Conservation Trust owns this property in fee and there is no conservation restriction on the parcel, though it is subject to a charitable trust protection. The Orleans Conservation Trust could pursue plans to use the site for active recreation, there is an existing landing on the property which is shared with the neighborhood, but the OCT could potentially open this area up to the public or to its members and make improvements to the area including a parking lot, network of trails, dog walking/playing areas, boardwalks, picnic tables, scenic overlooks, bathroom facilities, comfort stations, signage/interpretation, outdoor amphitheaters or other more active uses commonly associated with conservation areas where accommodations are made for more active use of an area.

The Orleans Conservation Trust prefers Alternative 1 as it only seeks to restore and enhance the habitat of the conservation land with no construction or development proposed which could possibly detract from the habitat value of the site as would be the case with Alternative 3.

In regard to mitigation, Wilkinson Ecological Design develops and implements mitigation proposals for construction-related projects frequently. The types of activities as proposed with the Whites Lane Habitat Restoration Project would overwhelmingly be considered mitigation for most development projects. With this in mind, it is our opinion that the project poses no activities that necessitate mitigation as the proposed activities are in fact mitigation in their own right.