



*The Commonwealth of Massachusetts*  
*Executive Office of Energy and Environmental Affairs*  
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June 25, 2021

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

PROJECT NAME : Aldana Road, Halifax Land Swap  
PROJECT MUNICIPALITY : Halifax  
PROJECT WATERSHED : Taunton River  
EEA NUMBER : 16373  
PROJECT PROPONENT : MA Department of Fish and Game (DFG) and the Town of Halifax  
DATE NOTICED IN MONITOR : May 26, 2021

Pursuant to the Massachusetts Environmental Policy Act (M.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).

Project Description

As described in the Environmental Notification Form (ENF), the project consists of the conveyance of an 39,120 square foot (sf) (0.898 acres) parcel from the Department of Fish and Game (DFG) to the Town of Halifax (Town). The parcel is located along the south side of Aldana Road for a distance of 2,546 feet (ft) and has an average width of 15-ft. The land transfer was authorized by Chapter 303 of the Acts of 2020. The parcel may be used by the Town in the future to create a safer layout at the location of a pronounced share curve in Aldana Road. The Town does not currently have funding to implement these improvements. The Town should consult with the MEPA Office to determine the need for further review of the roadway improvements should they proceed in the next five years.

### Project Site

The 39,120-sf parcel contains vegetated wetlands and is part of the Peterson Swamp Wildlife Management Area (WMA). The parcel is bounded to the north by Aldana Road and to the south by the remainder of the Peterson Swamp WMA. The parcel was originally acquired by DFG for fish and wildlife conservation purposes and is protected under Article 97 of the Amendments to the Massachusetts Constitution (Article 97). The project site is not located in Priority and/or Estimated Habitat as mapped by the Division of Fisheries and Wildlife's (DFW) Natural Heritage and Endangered Species Program (NHESP) or an Area of Critical Environmental Concern (ACEC). The site does not contain any structures listed in the State Register of Historic Places or the Massachusetts Historical Commission's (MHC) Inventory of Historic and Archaeological Assets of the Commonwealth.

### Environmental Impacts and Permitting

Potential environmental impacts associated with the project include the release of 39,120 sf (.898 acres) of Article 97 Land originally acquired for fish and wildlife conservation purposes. The Town will transfer 7.32 acres of land within the Peterson Swamp WMA to DFG to mitigate for the loss of Article 97 land.

### Jurisdiction and Permitting

This project is subject to MEPA review and preparation of an ENF pursuant to 301 CMR 11.03(1)(b)(3) and (5) because it requires an Agency Action will result 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 any purposes not in accordance with Article 97 and will result in the release of an interest in land held for conservation purposes.

Because the Land Transfer from DFG pertains to the entire project site, MEPA jurisdiction is broad and extends to all aspects of the conveyance within the area subject to the Land Transfer that are likely, directly or indirectly, to cause Damage to the Environment as defined in the MEPA regulations.

### Review of the ENF

The ENF provided a description of existing and proposed conditions and included plans and figures identifying the parcels subject to the land transfer. Comments from the Massachusetts Department of Environmental Protection (MassDEP) confirm that the land swap will not result in the dredging, filling, altering, or removing of any wetland resource areas. Comments do not identify any significant impacts that were not reviewed in the ENF, note deficiencies in the alternatives analysis, or identify additional alternatives for further review.

The project will result in the disposition of 39,120 sf of Article 97 Land. A transfer of Article 97 land requires legislative approval and compliance with the Executive Office of Energy and Environmental Affairs (EEA) Article 97 Land Disposition Policy (the Policy). A primary goal of the Policy is to achieve no net loss of Article 97 lands under the ownership and control of

the Commonwealth by requiring protection of land of equal or greater fair market value or value in use of the interest to be conveyed. Allowances are made within the Policy for exceptional dispositions. Legislation authorizing the Division of Capital Asset Management and Maintenance (DCAMM) and DFG to convey the 39,210-sf parcel was approved in January 2021 (Chapter 303 of the Acts of 2020). The legislation requires that the Town convey a 7.32 acre parcel (Parcel B) to the Commonwealth as consideration for the conveyance. Parcel B is a triangle-shaped parcel that is abutted on 2 of the 3 sides by the Peterson Swamp WMA. The ENF indicated that Parcel B is an in-holding within the Peterson Swamp WMA that the DFG has wanted to acquire for many years. According to the ENF, Parcel B provides considerable habitat value as it predominantly contains Atlantic White Cedar Swamp and the 39,120 sf (0.898 acres) parcel to be conveyed to the Town is of negligible habitat value due to its long and narrow configuration. The land transfer will provide a net gain of 6.42 acres of Article 97 land within the Peterson Swamp WMA. The ENF indicated that there are no alternatives to the land transfer as there is no additional land that could be added to the layout of Aldana Road at this location to address the safety concern. The legislation authorizing the land transfer also requires that the 39,120 sf parcel will revert to the Commonwealth if it ceases to be used for the purposes of improvements to Aldana Road.

### Conclusion

The ENF has sufficiently defined the nature and general elements of the project for the purposes of MEPA review. Based on review of the ENF and consultation with State Agencies, I have determined that no further MEPA review is required.

As noted above, the Town should consult with the MEPA Office to determine the need for further review of the roadway improvements should they proceed in the next five years.

June 25, 2021

Date



Kathleen A. Theoharides

Comments received:

06/15/2021     Massachusetts Department of Environmental Protection (MassDEP)



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

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Charles D. Baker  
Governor

Karyn E. Polito  
Lieutenant Governor

Kathleen A. Theoharides  
Secretary

Martin Suuberg  
Commissioner

June 15, 2021

Kathleen A. Theoharides  
Secretary of Environment and Energy  
Executive Office of Energy and  
Environmental Affairs  
100 Cambridge Street, Suite 900  
ATTN: MEPA Office  
Boston, MA 02114

RE: ENF Review. EOEEA 16373  
HALIFAX Aldana Rd Land Swap at 0  
Aldana Road

Dear Secretary Theoharides,

The Southeast Regional Office of the Department of Environmental Protection (MassDEP) has reviewed the Environmental Notification Form (ENF) for the Aldana Rd Land Swap at 0 Aldana Road, Halifax, Massachusetts (EOEEA #16373). Many of these comments regard the anticipated road construction and are not necessarily related to the land swap.

The Project Proponent provides the following information for the Project:

**The proposed swap of land (the “sliver” in exchange for Parcel B) is a straight forward land conveyance involving no further consideration, action, or commitments by either party. Article 97 legislation has been passed (Attachment A: Chapter 303 of Acts of 2020). The swap is mutually beneficial to both parties and will have a positive impact to the ecological resources of the Peterson Swamp WMA.**

**The Town of Halifax desires to acquire the “sliver” in order to create a safer layout at the location of a pronounced sharp curve in Aldana Rd., a gravel surfaced public way. This sharp curve is shown on Plan Bk 43 Pg 56.**

### ***Bureau of Water Resources Comments***

Wetlands. According to the information included with the ENF, the land swap will not result in the dredging, filling, altering, or removing or any resource areas protected under the Wetlands Protection Act (M.G.L. c. 131, § 40).

***Bureau of Waste Site Cleanup Comments***

Based upon the information provided, the Bureau of Waste Site Cleanup (BWSC) searched its databases for disposal sites and release notifications that have occurred at or might impact the proposed project area. A disposal site is a location where there has been a release to the environment of oil and/or hazardous material that is regulated under M.G.L. c. 21E, and the Massachusetts Contingency Plan [MCP – 310 CMR 40.0000].

There are no listed MCP disposal sites located at or in the vicinity of the site that would appear to impact the proposed project area. Interested parties may view a map showing the location of BWSC disposal sites using the MassGIS data viewer (Oliver) at: [http://maps.massgis.state.ma.us/map\\_ol/oliver.php](http://maps.massgis.state.ma.us/map_ol/oliver.php). Under “Available Data Layers” select “Regulated Areas”, and then “DEP Tier Classified 21E Sites”. MCP reports and the compliance status of specific disposal sites may be viewed using the BWSC Waste Sites/Reportable Release Lookup at: <https://eeaonline.eea.state.ma.us/portal#!/search/wastesite>.

*The Project Proponent is advised that if oil and/or hazardous material are identified during the implementation of this project, notification pursuant to the Massachusetts Contingency Plan (310 CMR 40.0000) must be made to MassDEP, if necessary. A Licensed Site Professional (LSP) should be retained to determine if notification is required and, if need be, to render appropriate opinions. The LSP may evaluate whether risk reduction measures are necessary if contamination is present. The BWSC may be contacted for guidance if questions arise regarding cleanup.*

***Bureau of Air and Waste (BAW) Comments***

Air Quality. Construction and operation activities shall not cause or contribute to a condition of air pollution due to dust, odor, or noise. To determine the appropriate requirements please refer to:

- 310 CMR 7.09 Dust, Odor, Construction, and Demolition
- 310 CMR 7.10 Noise

***Construction-Related Measures***

MassDEP requests that all non-road diesel equipment rated 50 horsepower or greater meet EPA’s Tier 4 emission limits, which are the most stringent emission standards currently available for off-road engines. If a piece of equipment is not available in the Tier 4 configuration, then the Proponent should use construction equipment that has been retrofitted with appropriate emissions reduction equipment. Emission reduction equipment includes EPA-verified, CARB-verified, or MassDEP-approved diesel oxidation catalysts (DOCs) or Diesel Particulate Filters (DPFs). The Proponent should maintain a list of the engines, their emission tiers, and, if applicable, the best available control technology installed on each piece of equipment on file for Departmental review.

***Massachusetts Idling Regulation***

The Project Proponent acknowledges its requirements: “As stated in MassDOT’s GreenDOT Policy Directive, MassDOT requires that contractors install emission control devices in all off-road vehicles. MassDOT’s Revised Diesel Retrofit Specification states emissions control standards must be met, or technology must be used for non-road, diesel powered construction equipment above 50 horsepower on MassDOT job sites. “

MassDEP reminds the Proponent that unnecessary idling (*i.e.*, in excess of five minutes), with limited exception, is not permitted during the construction and operations phase of the Project (Section 7.11 of [310 CMR 7.00](#)). With regard to construction period activity, typical methods of reducing idling include driver training, periodic inspections by site supervisors, and posting signage. In addition, to ensure compliance with this regulation once the Project is underway,

MassDEP recommends that the Proponent install signs limiting idling to five minutes or less on-site.

### Solid Waste Management.

1. *Waste Materials that are determined to be Solid Waste:*  
(e.g., construction and demolition waste) and/or recyclable material (e.g., metal, asphalt, brick, and concrete) shall be disposed, recycled, and/or otherwise handled in accordance with the Solid Waste Regulations including 310 CMR 19.017: *Waste Bans*.

Asphalt, brick and concrete (ABC) rubble, such as the rubble generated by the demolition of buildings or other structures must be handled in accordance with the Solid Waste regulations. These regulations allow, and MassDEP encourages, the recycling/reuse of ABC rubble. The Proponent should refer to MassDEP's Information Sheet, entitled "*Using or Processing Asphalt Pavement, Brick and Concrete Rubble, Updated February 27, 2017*", that answers commonly asked questions about ABC rubble and identifies the provisions of the solid waste regulations that pertain to recycling/reusing ABC rubble. This policy can be found on-line at the MassDEP website: <https://www.mass.gov/files/documents/2018/03/19/abc-rubble.pdf>

2. *Clean Wood:*  
The Project will require the handling of clean wood associated with tree removal. As defined in 310 CMR 16.02, clean wood means "discarded material consisting of trees, stumps and brush, including but limited to sawdust, chips, shavings, bark, and new or used lumber" ...etc. Clean wood does not include wood from commingled construction and demolition waste, engineered wood products, and wood containing or likely to contain asbestos, chemical preservatives, or paints, stains or other coatings, or adhesives. The Proponent should be aware that wood is not allowed to be buried or disposed of at the Site pursuant to 310 CMR 16.00 & 310 CMR 19.000 unless otherwise approved by MassDEP. Clean wood may be handled in accordance with 310 CMR 16.03(2)(c)7 which allows for the on-site processing (i.e., chipping) of wood for use at the Site (i.e., use as landscaping material) and/or the wood to be transported to a permitted facility (i.e., wood waste reclamation facility) or other facility that is permitted to accept and process wood.

If you have any questions regarding the Solid Waste Management Program comments above, please contact Mark Dakers at (508) 946-2847.

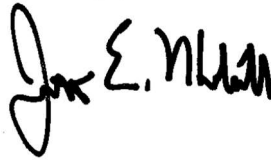
### ***Proposed s.61 Findings***

The "Certificate of the Secretary of Energy and Environmental Affairs on the Environmental Notification Form" may indicate that this Project requires further MEPA review and the preparation of an Environmental Impact Report. Pursuant to MEPA Regulations 301 CMR 11.12(5)(d), the Proponent will prepare Proposed Section 61 Findings to be included in the EIR in a separate chapter updating and summarizing proposed mitigation measures. In accordance with 301 CMR 11.07(6)(k), this chapter should also include separate updated draft Section 61 Findings for each State agency that will issue permits for the Project. The draft Section 61 Findings should contain clear commitments to implement mitigation measures, estimate the individual costs of each proposed measure, identify the parties responsible for implementation, and contain a schedule for implementation.

***Other Comments/Guidance***

The MassDEP Southeast Regional Office appreciates the opportunity to comment on this ENF. If you have any questions regarding these comments, please contact George Zoto at (508) 946-2820.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jon E. Hobill".

Jonathan E. Hobill,  
Regional Engineer,  
Bureau of Water Resources

JH/GZ

Cc: DEP/SERO

ATTN: Millie Garcia-Serrano, Regional Director  
Gerard Martin, Deputy Regional Director, BWR  
John Handrahan, Acting Deputy Regional Director, BWSC  
Seth Pickering, Deputy Regional Director, BAW  
Jennifer Viveiros, Deputy Regional Director, ADMIN  
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