



*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>

February 20, 2009

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

PROJECT NAME : Massachusetts Division of Fisheries & Wildlife Northeast  
District Office Relocation  
PROJECT MUNICIPALITY : Ayer  
PROJECT WATERSHED : Nashua  
EEA NUMBER : 14364  
PROJECT PROPONENT : Massachusetts Division of Fisheries & Wildlife  
DATE NOTICED IN MONITOR : January 21, 2009

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 involves the development of the Northeast District Office of the Massachusetts Division of Fisheries & Wildlife (MDFW) at the former Ayer Game Farm purchased by MDFW in 1913 for use as a pheasant farm that closed in 1991. The Project is proposed in two phases. Phase I construction includes the construction of a 2,562 square feet (sf) office building, an onsite sewage treatment system, and upgrades to the stormwater management system. Phase II, dependent on further funding, would include construction of a 4,320 sf garage and associated parking, as well as demolition of former pheasant pens and a staff house. The plan proposes a total of 25 parking spaces, 20 of which are new, and an increase of vehicle trips per day from 10 to 25.

### Project Site

The entire project site lies within the Petapawag Area of Critical Environmental Concern (ACEC). The Petapawag ACEC is located along and to the east of the Nashua River. Wetlands are an important feature of this ACEC, often creating the conditions for extraordinary rare species habitats. In addition, significant drinking water resources are located within this ACEC. The ACEC program has indicated that this project site is specifically mentioned in the Petapawag ACEC Designation Document (2002) as one of twelve "major conservation and recreation properties located within the ACEC." The site is also a "Distinctive Landscape" identified in the 1982 Massachusetts Scenic Landscape Inventory prepared by the former Department of Environmental Management (now DCR) as indicated in the Designation Document.

### Jurisdiction

The project is undergoing review pursuant to Section 11.03(11)(b) of the MEPA regulations because it requires a State agency action and is located within a designated ACEC. The project will require an On-Site Sewage Disposal Construction Permit from the Massachusetts Department of Environmental Protection (MassDEP). It may also require an Order of Conditions from the Ayer Conservation Commission (OCC) (and a Superseding Order of Conditions from MassDEP if the local Order is appealed) for the retention basin.

Because the Proponent is an agency of the Commonwealth, MEPA jurisdiction extends to all aspects of the project that may cause Damage to the Environment as defined in the MEPA regulations.

### Review of the ENF

The ENF included a detailed description of the project with plans. The ENF identified the existing environmental conditions and proposed measures to avoid, minimize and mitigate environmental impacts. It indicated that MDFW has consulted with the state agencies to ensure that the project is implemented consistent with regulatory standards. In addition, it indicated that MDFW has consulted with abutters and environmental advocacy groups to identify their concerns with the proposed project and to address those concerns to the greatest extent possible. Many of the comments support the relocation of the MDFW office to this location and encourage MDFW to utilize Best Management Practices (BMP) in construction and maintenance of the property. Also several comments have encouraged the proponent to consider allowing public passive recreation trails on the site. However, given the significance of the ACEC and habitat resources on the site and the extent of the wetlands adjacent to the river, the development of any property use, including passive recreation trails, should not impose negative impacts to wetlands and state listed species.

### Wastewater

The ENF states that MDFW will file a permit application with MassDEP for the installation of an on-site wastewater disposal system to serve the proposed office building. MassDEP has stated in its comment letter that MassDEP staff have already met with MDFW at the site and that the site appears to be viable for wastewater disposal.

### Wetlands

At the MEPA site visit on February 4, 2009, the proponent stated that no work will occur in the 100- foot wetlands buffer zone. Additionally, the proponent stated that the area adjacent to the wetlands that is currently mowed lawn will be allowed to return to native vegetation, thereby allowing better protection of the wetland resources. I remind the proponent that the proposed retention pond work is located within the 100-foot buffer zone, therefore, an Order of Conditions may be required for the retention pond upgrade. In addition the proponent will be required to demonstrate that the project's stormwater management system is designed in accordance with the revised Stormwater Management Standards and Regulations.

### Priority or Estimated Habitat

A portion of the project site is located within Priority or Estimated Habitat by the Natural Heritage and Endangered Species Program (NHESP). Therefore, the project required review through a direct filing with NHESP for compliance with the Massachusetts Endangered Species Act (MESA 321 CMR 10.00). This area is mapped for habitat for Blanding's Turtle, (*Emydoidea blandingii*) which is listed as a "Threatened" species. NHESP has determined through submitted materials from the proponent that this project, as currently proposed, would not result in a prohibited "take" of state-listed species.

### Historic Assets

The Massachusetts Historical Commission has determined through review of the Inventory of Historic and Archaeological Assets of the Commonwealth that the project site is inventoried (AYE.4). However, MHC has determined that the project, as proposed, is unlikely to affect significant historic or archaeological resources, and no further MHC review is required.

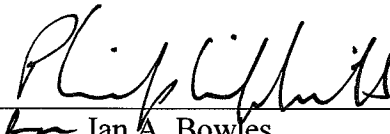
### Construction

Phase II of the project involves the demolition of an existing house which may have asbestos associated with the heating system. MassDEP requires that prior to demolition the structure must be surveyed by a Massachusetts Division of Occupational Safety (DOS) licensed asbestos inspector to identify any asbestos containing materials in the building.

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

February 20, 2009

Date

  
for Ian A. Bowles

Comments received:

02/09/2009 Ayer Greenway Committee  
02/10/2009 Massachusetts Historical Commission  
02/10/2009 Division of Fisheries & Wildlife Northeast- Natural Heritage and Endangered Species Program  
02/10/2009 People of Ayer Concerned About the Environment  
02/10/2009 Department of Conservation and Recreation ACEC Program  
02/10/2009 Nashua River Watershed Association  
02/10/2009 Massachusetts Department of Environmental Protection – SERO  
02/11/2009 Ayer Local

IAB/ACC/acc