



The Commonwealth of Massachusetts

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March 8, 2007

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

PROJECT NAME : Stagecoach Village
PROJECT MUNICIPALITY : Lakeville
PROJECT WATERSHED : Taunton River
EOEA NUMBER : 13961
PROJECT PROPONENT : Stagecoach Village, LLC
DATE NOTICED IN MONITOR : February 6, 2007

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H) 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.

As described in the Environmental Notification Form (ENF), the project involves the development of an Active Adult Community with 40 living units, tennis and bocce courts, and associated appurtenances. The site is approximately 65.6 acres.

The project is undergoing review pursuant to Section 11.03 (2)(b)(1) and Section 11.03 (2)(b)(2) of the MEPA regulations because it involves the alteration of designated significant habitat and may involve a "take" of an endangered or threatened species or species of special concern. The project requires a Conservation Permit from the Division of Fisheries and Wildlife's Natural Heritage and Endangered Species Program (NHESP). The project will also require an Order of Conditions from the Lakeville Conservation Commission (and hence a Superseding Order from Department of Environmental Protection (DEP) if the local Order is appealed)

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

The NHESP has determined that this project occurs within the habitat of the Eastern Box Turtle (*Terrepenne carolina*), which is listed as a species of "Special Concern" pursuant to the provisions of the Massachusetts Endangered Species Act (MESA)(M.G.L. c. 131A) and its implementing regulations (321 CMR 10.00). Based on the plans submitted in the ENF and the formal MESA filing, the NHESP also finds that the project will result in a "take" of the Eastern Box Turtle through the disruption of feeding, migratory, and over-wintering behavior and through directly harming or killing individuals of this species during construction.

The NHESP has met with the proponent several times and evaluated several alternative configurations toward achieving an overall configuration minimizes impacts to the nesting, feeding, breeding, overwintering and migratory behaviors of the Eastern Box Turtle. The proponent has also been consulting with the NHESP toward meeting the performance standards for the issuance of a MESA Conservation and Management Permit pursuant to 321 CMR 10.23. Based on the plans submitted to date, the NHESP preliminarily finds that the mitigation and net benefit discussed by the proponent for impacts to Eastern Box Turtles appear to meet the performance standards of 312 CMR 10.23. I encourage the proponent to continue to work with NHESP to develop construction-related oversight, work-timing considerations, temporary barriers, and signage during construction of the proposed project. I advise the proponent that permanent barriers and signage will be required as part of the Conservation Restriction.

The majority of the proposed activities lie outside of any jurisdictional wetland resource areas, however, there are some activities proposed in the buffer zone to Bordering Vegetated Wetlands. I advise the proponent that adequate erosion control must be employed to prevent adverse impacts to the Bordering Vegetated Wetlands.

I conclude that no further MEPA review is required. If the project design undergoes a material change as a result of requirements imposed by the state permitting agency (NHESP), the proponent should file a timely Notice of Project Change that addresses impacts and mitigation.

March 8, 2007
Date


Ian A. Bowles

Comments received:

- 02/23/07 Division of Fisheries & Wildlife Natural Heritage and Endangered Species Program
- 02/26/07 Department of Environmental Protection-SERO

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