



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>

May 23, 2008

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

PROJECT NAME : Nobadeer Farm Road Recreation Area
PROJECT MUNICIPALITY : Nantucket
PROJECT WATERSHED : Nantucket
EEA NUMBER : 14230
PROJECT PROPONENT : Nantucket Islands Land Bank
DATE NOTICED IN MONITOR : April 23, 2008

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 (EIR).

The proposed project consists of development of a recreation area including a bike path, sports fields, platform tennis area, parking lots, and a playground on property owned by the Nantucket Islands Land Bank. The proposed project includes development of approximately 18.8 acres of a 31.3-acre site. The site includes habitat for several state-listed moth species, and the bike path portion of the site includes habitat of several state-listed plant species. The project also includes, as mitigation, the placement of a Conservation Restriction on 7.8 acres of the project site and on 55.8 acres of land off-site that is also owned by the Land Bank.

The project will result in alteration of approximately 18.8 acres of land, including creation of 2.7 acres of new impervious area. The project is expected to result in approximately 323 vehicle trips per day. The Environmental Notification Form (ENF) proposes 154 parking spaces, 29 spaces for the paddle tennis area and 125 spaces for the ballfields. A Title 5 system is proposed to manage wastewater. Water supply will be provided by the Nantucket municipal system and an on-site irrigation well is proposed. The ENF proposes four playing fields initially and, if required, a fifth field will be located between the proposed fields and the paddle tennis area.

The project is undergoing environmental review pursuant to Section 11.03 (2)(b)(2) of the MEPA regulations because it will result in a take of a state listed species. The project requires a Conservation and Management Permit from the Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program (NHESP). The project also requires my approval pursuant to Section 6 of the Land Bank Act. I note that an approval was granted by my predecessor for a portion of the project (the recreational ballfields) in a letter dated December 6, 2005. I am currently reviewing a request for approval of the remainder of the project, pursuant to Section 6 of the Land Bank Act, which the proponent submitted in a letter dated May 13, 2008. The project is subject to review by the Massachusetts Historical Commission. The project may require a National Pollutant Discharge Elimination System (NPDES) Stormwater Permit for construction activities from the United States Environmental Protection Agency (U.S. EPA).

The project will receive financial assistance from the Massachusetts Highway Department for construction of a bike path. Therefore, MEPA jurisdiction is broad and extends to all aspects of the project that are likely to cause Damage to the Environment as defined in the MEPA regulations.

As further detailed in the ENF and in supplemental materials submitted (in a letter dated May 19, 2008), the proponent evaluated three alternative sites for the construction of the ball fields and paddle tennis facility on land owned by the Land Bank. No off-site alternatives were considered for the bike path since the proposed path is designed to connect the existing Old South Road and Milestone Road bike paths. As indicated by the proponent, the Nantucket Park and Recreation Department reviewed town-owned parcels and determined that the town does not own land that is the appropriate size, location and topography for the playing fields. Acquisition of land by the town was considered too costly. Therefore, the Land Bank-owned property was considered the most feasible. The ENF and supplemental materials discuss site selection criteria and the rationale for selection of the proposed site and elimination of other alternative sites, which included consideration of proximity to populated areas, site access and water supply, presence of wetlands and state-listed species habitat, site topography, segmentation of habitat, and potential for connection of bike paths.

As further detailed in the proponent's letter dated May 19, 2008, the number of paved parking spaces proposed was based on an average capacity for the ball fields of 400 people including athletes and spectators, which amounts to 100 spaces. An additional 25 spaces is proposed to accommodate overlap between arrivals and departures. 29 unpaved spaces are proposed for the paddle tennis area. The proponent should consider opportunities to minimize parking areas and associated impervious area to the maximum extent feasible.

As further detailed in its comment letter, the NHESP has identified one endangered and two threatened state-listed species, as well as 13 state-listed species of Special Concern, on and within the vicinity of the project site. The NEHSP has determined that the entire proposed project will avoid a "take" of state-listed plants by protecting plants during construction and by implementing on-site management compatible with these species. However, the entire proposed project will result in a "take" of some of the state-listed moth species identified in the NHESP letter. The proponent has submitted a draft application for a Conservation and Management Permit pursuant to the Massachusetts Endangered Species Act (MESA) and has proposed

mitigation that includes Conservation Restrictions on 70.4 acres of land and funding for management of state-listed species habitat. Based on NHESP's review and comment letter, it appears that the project and the proposed Conservation Plan will qualify for issuance of a Conservation and Management Permit.

The project is located within the Nantucket Historic District, a National Historic Landmark and a local historic district, which is listed in the State and National Registers of Historic Places. MHC has recommended that an intensive (locational) archaeological survey (950 CMR 70) be conducted for the proposed project. As noted in a letter from the proponent, dated May 19, 2008, the proponent is planning to undertake the survey as requested by MHC. The proponent should continue consultations with MHC regarding the scope and results of the survey and measures that may be required to avoid, minimize or mitigate any adverse effects to significant archaeological resources. The proponent should provide project information to the Nantucket Historical Commission for their concurrent review and comment as recommended by MHC.

The proponent has committed to measures to avoid, minimize, and mitigate environmental impacts, including:

- Protection of 7.6 acres of on-site and 55.8 acres off-site state-listed moth habitat through an Executive Office of Energy and Environmental Affairs endorsed Conservation Restriction (CR);
- Funding for management of state-listed species habitat on the CR parcels;
- Development and implementation of a Memorandum of Understanding between the Land Bank and the Town of Nantucket to manage the shoulder of the proposed bike path and Nobadeer Farm Road in a manner that is compatible with state-listed plant species.

The proponent has indicated that a portion of site (outside of the 18.8-acre development envelope and 7.6-acre on-site CR area) may be considered in the future for recreational use. I remind the proponent that a Notice of Project Change (NPC) will be required for any additional development of the project-site beyond that proposed in the ENF.

The ENF has adequately described the general nature of the proposed project and proposed measures to avoid and minimize, or mitigate environmental impacts. I am satisfied that any remaining issues can be adequately addressed during the state and local review and permitting process. The proposed project, as described in the ENF, requires no further review under MEPA.

May 23, 2008

DATE



Ian A. Bowles, Secretary

Comments Received:

5/02/08 Massachusetts Historical Commission
5/06/08 Division of Fisheries and Wildlife, Natural Heritage and Endangered Species
 Program
5/12/08 Division of Marine Fisheries
5/13/08 Department of Environmental Protection, Southeast Regional Office
5/19/08 Avalon Consulting Group (on behalf of the proponent)

IAB/AE/ae