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September 5, 2008

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

PROJECT NAME : Single Family House
PROJECT MUNICIPALITY : Billerica
PROJECT WATERSHED : SuAsCo
EEA NUMBER : 14290
PROJECT PROPONENT : Dean Nguyen and Dang Tran
DATE NOTICED IN MONITOR : August 6, 2008

Pursuant to the Massachusetts Environmental Policy Act (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).

As described in the Environmental Notification Form (ENF), the project consists of the construction of a single-family house with a driveway, septic system, drinking water well and other utilities on a 16.9-acre parcel on Rangeway Road in Billerica. Estimated project impacts include alteration of 1.5 acres of land and the introduction of 0.23-acres of impervious surfaces. No direct alteration of wetland resource areas is anticipated; portions of the project will include alteration in the 100-foot buffer zone to Bordering Vegetated Wetlands (BVWs). The project site is located in *Priority Habitat* and *Estimated Habitat* for the Blue-spotted Salamander (*Ambystoma laterale*). The Division of Fisheries and Wildlife Natural Heritage and Endangered Species Program (NHESP) has determined that the proposed project will result in a "take" (as defined at 321 CMR 10.18(2)(b)) of the Blue-spotted Salamander.

Jurisdiction

The project is undergoing MEPA review pursuant to Section 11.03(2)(b)(2) because it requires a State agency action and will result in the take of an endangered or threatened species, or species of special concern on a Project site greater than two acres in area that is mapped as a Priority Site of Rare Species Habitats. The project will require a Conservation and Management Permit from the NHESP. The ENF also indicates that greater than one acre of land will be altered; therefore approval under the National Pollutant Discharge Elimination System (NPDES) Construction General Permit (CGP) will be required from the United States Environmental Protection Agency. The project will also require an Order of Conditions from the Billerica Conservation Commission.

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 have significant environmental impacts and that are within the subject matter of required or potentially required state permits. In this case, MEPA jurisdiction exists over rare species and wetlands.

Rare Species

The project site is located in *Priority Habitat* and *Estimated Habitat* for the Blue-spotted Salamander (*Ambystoma laterale*). The NHESP has determined that the proposed project will result in a "take" (321 CMR 10.18(2)(b)) of the Blue-spotted Salamander through harming and killing of individuals and the disruption of nesting, breeding, feeding or migratory activity. The Proponent will be required to obtain a Conservation and Management Permit from the NHESP in accordance with the Massachusetts Endangered Species Act (MESA) (M.G.L. c.131A) and its implementing regulations (321 CMR 10.00). The Proponent contracted Hyla Ecological Services, Inc. to perform a Blue-spotted Salamander survey at the project site in March and April 2006. This survey confirmed the presence of Blue-spotted Salamanders on-site.

The ENF indicates that approximately 15.4 acres of the project site will be deed-restricted to limit future impact to Blue-spotted Salamander habitat. The terms and conditions of this restriction should be prepared in cooperation with the NHESP during the Conservation and Management Permit approval process.

Wetlands


The project site contains both BVWs and Isolated Vegetated Wetlands, as well as a small pond. Project impacts to wetland resource areas will be limited to work within the 100-foot buffer zone to BVW in association with the construction of the driveway. I encourage the proponent to locate the driveway as far as feasible from the edge of wetland resource areas and to implement appropriate stormwater Best Management Practices.

Construction Period Impacts

If the project results in the direct alteration of one acre or more of land, the Proponent will be required to prepare a Stormwater Pollution Prevention Plan (SWPPP) in accordance with the NPDES CGP. I encourage the Proponent to clearly identify the limits of work to prevent alteration of anticipated habitat restriction areas.

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

September 5, 2008
Date



Ian A. Bowles

Comments received:

- 08/25/2008 Northern Middlesex Council of Governments (NMCOG)
- 08/25/2008 Division of Fisheries and Wildlife – Natural Heritage and Endangered Species Program

IAB/HSJ/hsj