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December 24, 2008

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
ON THE
NOTICE OF PROJECT CHANGE

PROJECT NAME : Crop Circle Cranberry
PROJECT MUNICIPALITY : 131 Ring Road – Plympton and Kingston
PROJECT WATERSHED : Jones River
EOEA NUMBER : 14221
PROJECT PROPONENT : Crop Circle Cranberry
DATE NOTICED IN MONITOR : November 24, 2008

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62I) and Section 11.10 of the MEPA regulations (301 CMR 11.00), I have reviewed the Notice of Project Change (NPC) submitted on this project and determine that it **does not require** further MEPA review.

The project originally consisted of the proponent obtaining a Water Management Act (WMA) Withdrawal Permit for the withdrawal and use of water in connection with 12.7–acres of existing cranberry bogs, and with the potential to include a future expansion of the bogs by 7.3 acres. The proponent currently withdraws approximately 110,000 gallons per day (gpd) or 41.4 million gallons per year (mgpy) from two existing on-site surface reservoirs. The bogs are irrigated with a sprinkler system. The irrigation water is recovered to the reservoir for reuse through dikes, culverts, and flumes via a closed-loop tailwater recovery system. The project site consists of a cranberry bog operation on approximately 85 acres. On June 6, 2008, I determined that the project did not require an Environmental Impact Report (EIR). However, in response to comments from state agencies indicating that insufficient information existed to allow permitting of the project, I required the proponent to submit a NPC before the project could proceed to

permitting by the state agencies. Specifically, the Department of Environmental Protection (MassDEP) had requested additional information to address the potential environmental impacts from the project on wetlands and the Jones River watershed. The proponent was advised to consult with MassDEP prior to submitting the NPC.

This NPC was submitted for MEPA review on November 13, 2008. The proponent has reduced its 7.3 cranberry bog expansion to 5.3 acres. The expansion area has been reconfigured to abandon the previously proposed tail-water recovery area which required wetland alteration and replication. The reconfiguration locates the bog expansion area outside of the estimated wetland buffer zone. The project's estimated water withdrawal for the proponent's entire cranberry operation will be reduced from 180,000 gpd or 65.7 mgpy to 160,694 gpd or 58.7 mgpy. The proponent will add a by-pass water flume from the upper reservoir to Barrows Brook. Previously the upper reservoir flowed directly into the lower reservoir. The lower reservoir discharged into Barrows Brook via two flumes. Under this modification, the water supply to the expansion area will be served by the lower reservoir via a pump station and discharge line located within the limits of the existing access road between the two areas. The purpose of the by-pass flume is to help balance the flow entering Barrows Brook and to regulate the flow during different conditions.

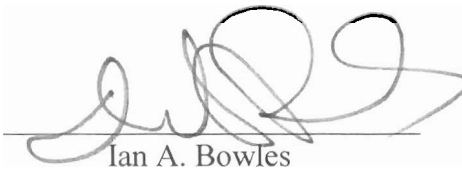
The project was subject for review pursuant to Section 11.03(4)(b)(1) of the MEPA regulations because the project required a new withdrawal of 100,000 or more gallons per day (gpd) from a water source that requires new construction for the withdrawal. It needed a Water Management Act (WMA) Withdrawal Permit from MassDEP. The Natural Heritage and Endangered Species Program (NHESP) has requested and the proponent has committed to prepare a Conservation (Habitat) Management Plan for the project site to address the habitat area of the Eastern Box Turtle. The project requires review through a direct filing with NHESP for compliance with the Massachusetts Endangered Species Act (MESA). It should comply with the National Pollution Discharge Elimination System (NPDES) General Permit from the U.S. Environmental Protection Agency for stormwater discharges from a construction site. The proponent will need to obtain an Order of Conditions from the Plympton Conservation Commission because the bog expansion will occur within buffer zones to wetland resource areas (and, on appeal only, a Superseding Order of Conditions from MassDEP). Because the project is not seeking financial assistance from the Commonwealth, MEPA jurisdiction is limited to those aspects of the project that are within the subject matter of required or partially required state permits and that may cause Damage to the Environment, as defined in the MEPA regulations (in this case: wetlands, stormwater, wildlife habitat, and water withdrawal).

The project proponent has installed a flow gauge downstream of the bogs in Barrows Brook to monitor flow conditions throughout the year. It has completely eliminated its potential impacts to 30,000 sf of wetlands and 1,500 sf of Riverfront Area in the expansion area. The proponent should prepare a turtle protection plan for review by NHESP. The turtle protection

plan will protect turtles from direct harm during construction. The proponent has also included a Conservation Farm Plan (updated July 2008) within the NPC. MassDEP has indicated that insufficient information has been provided concerning potential impacts to wetlands and Riverfront Areas, and that it has concerns about the permitting history for the existing bog operations. This information should be provided to the Plympton Conservation Commission and MassDEP during the permitting process.

Based on a review of the information provided by the proponent, a review of the comment letters, and after consultation with the state agencies, I am confident that MassDEP and the NHESP have sufficient permitting authority to condition this project so that no significant environmental impacts will occur. No further MEPA review is required for the WMA permitting and the cranberry bog expansion.

December 24, 2008
Date



Ian A. Bowles

Comments received:

Land Development Engineering & Consulting, 12/3/08
Land Development Engineering & Consulting, 12/5/08
MassDEP/SERO, 12/12/08
MassWildlife, 12/15/08
Jones River Watershed Assoc., 12/17/08
Kingston Conservation Agent, 12/18/08

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