

September 5, 2008

Secretary Ian A. Bowles
Executive Office of Energy and Environmental Affairs
Attn: Aisling Eglington, MEPA Analyst
100 Cambridge Street, Suite 900
Boston, MA 02114

Re: EOEA No. 13940; ADM Tihonet Mixed Use Development; Wareham, Carver and
Plymouth, Massachusetts; BTI Project No. 1833.00

Dear Secretary Bowles,

The Nature Conservancy (TNC) is a global non-profit conservation organization working to preserve the plants, animals and natural communities that represent the diversity of life on earth by protecting the lands and waters they need to survive. The Nature Conservancy focuses its efforts strategically in locations with the greatest potential to provide viable wildlife habitat in perpetuity. Through a regional planning process for the nine-state North Atlantic Coast region, the pine barrens and coastal plain ponds of Carver, Plymouth and Wareham were identified as among the most viable occurrences in existence. Addressing threats to these natural communities (and the suite of globally rare species that depend upon them) is thus a high priority for TNC. Given the significance of the A.D. Makepeace Company (“ADM”) as a landowner in the area, TNC has followed the progress of its development proposals closely over the past several years.

For your consideration, TNC offers the following comments on the above referenced Expanded Environmental Notification Form, Request for Single Review, and Request to Amend the Special Review Procedure, dated July 11, 2008.

Concerning **Phase A**, as described in the filing:

- TNC feels that the impacts have been sufficiently described such that the project can proceed to state permitting without requiring a full Environmental Impact Report.
- TNC does not object to the requested amendment to the Special Review Procedure to account for proposed changes to Phase A (i.e. relocation of Phase A1 within the Tihonet Technology Park and new Phase A2 at Lou Avenue.)
- TNC does not feel that development of Phase A will preclude options to avoid, minimize or mitigate environmental impacts associated with future project phases within the remainder of the 6000+ acre site.
- TNC requests that the Certificate concerning Phase A require the following:
 - In recognition of the fact that suitable habitat for state-listed species appears to be present on the Phase A1 site, ADM will cooperate with NHESP to design and implement a habitat survey of the entire Tihonet Technology Park site and secure a Conservation and Management Permit from NHESP. This process should test the Proponent’s presumption that “a lack of connectivity to larger habitat areas makes a species take unlikely”.
 - Meet highest standards for use of supplemental nitrogen removal technologies in wastewater systems to minimize nitrogen loading of ground- and surface waters.

- Meet highest standards for storm water management, including implementation of Low Impact Development strategies to the greatest extent practicable, such that the Proponent meets its stated commitment to prevent “increase in peak runoff rates to adjacent land or water bodies.”

Concerning **Phase B**, as conceptually described in the filing:

- Given the extent of the Phase B lands and their greater ecological diversity and sensitivity, the Proponent should have a higher burden (compared to Phase A) to demonstrate that implementation of the proposed development program will not preclude options to avoid, minimize or mitigate environmental impacts associated with future phases.
- It would be helpful for the Proponent to clarify discrepancies between Table 2.21 (Rare Species) and Figure 2.2.1.1. Some polygons in the figure are not listed in the table, and vice versa. Additional confusion appears to result from NHESP’s recent renumbering of Estimate Habitat polygons.
- TNC encourages ADM to work to further concentrate its development footprint as it refines concepts. Evaluation of environmental impacts of an alternative that places roughly the same development program on substantially less land should be required.
- Undeveloped lands within Phase B are divided by existing cranberry bogs and waterways. Given the proponent’s repeated statement that bog areas and waterways impede Eastern box turtle movement, it would be helpful to further examine alternatives that avoid further fragmentation of at least some priority habitat areas on the site.
- Development area X and Road 7 appear to intersect Priority Habitat Area 404, which is habitat for water-willow stem borer moth. This conceptual layout does not appear to avoid and minimize impacts to habitat, and the filing includes no discussion of mitigation for impacts to PH 404.
- TNC requests the Scope for future Environmental Impact Report(s) concerning Phase B require the following:
 - Cooperation with NHESP to design and implement a habitat survey of the all potentially suitable habitat areas in Phase B, with a Conservation and Management Permit to follow.
 - Full wetlands delineation of lands on or near proposed development.
 - Survey assessment of potential coastal fish runs.
 - Further refinement of off-site traffic mitigation that may be required, and a full assessment of habitat, wetlands, riverfront and coastal resources impacts of that work.
 - Additional detail on potential restoration projects that might serve to mitigate impacts. TNC encourages the Proponent to consider restoration projects that restore connectivity in terrestrial and aquatic habitat, and improve buffers to wetlands and streams in order to improve water quality and to further Office of CZM Habitat Policy #2 – “Restore degraded or former wetland resources in coastal areas and ensure that activities in coastal areas do not further wetland degradation but instead take advantage of opportunities to engage in wetland restoration.”
 - Discussion of consistency with the Plymouth/Carver Aquifer Action Plan (2007), the Plymouth/Carver Aquifer Regional Open Space Plan (2008), and the Plymouth Carver Aquifer Advisory Committee’s bylaw recommendations for Aquifer communities (2008). (Available at <http://www.srpedd.org/envirpage.htm>.) In particular, TNC will be interested in how ADM proposes to maximize water conservation, maximize Aquifer recharge, and minimize surface and groundwater discharge of nutrients and pollutants.

Concerning **Phase C**, as generally outlined in the filing:

Phase C includes thousands of acres of land that is of extreme ecological significance, with great import to the preservation of the region’s wildlife habitat and groundwater resources. TNC encourages ADM to continue to work closely with the Massachusetts Natural Heritage and

Endangered Species Program on survey protocols to improve available knowledge of priority habitat on the property. We also encourage ADM to work with Plymouth, Carver and Wareham to make maximum use of current and future Transfer of Development Rights (TDR) bylaws in order to concentrate development impacts while protecting open space resources. TNC encourage ADM and Plymouth to continue to work together to identify additional receiving areas (east of the State Forest) so that the entirety of the Plymouth portion of the Frogfoot land can be preserved, and similarly encourages ADM and Carver to work together to identify receiving areas in appropriate, concentrated locations (along Route 58 or elsewhere) that are supported by infrastructure.

Finally, to assure meaningful opportunities for public review of future of the project and future filings under the Special Review Procedure, TNC recommends that stakeholders be directly notified of future meetings. An e-mail list of those who have commented or attended past meetings could easily be maintained to supplement other means of notice that the Proponent used for its June 25th meeting informational meeting.

Thank you for your consideration of these comments. We look forward to continued work with your staff, AD Makepeace, and the community as review and permitting of this project progresses toward the best outcome for all concerned. Please do not hesitate to contact me with any questions or concerns, at 508-732-0300 x23, or rjohnson@tnc.org.

Sincerely,

A handwritten signature in cursive script that reads "Robb Johnson".

Robb Johnson
Southeast Massachusetts Program Director
The Nature Conservancy

cc: Michael Hogan, A.D. Makepeace Company
Loring Schwarz, Acting Massachusetts State Director, The Nature Conservancy