



June 19, 2008

Secretary Ian Bowles
Executive Office of Energy and Environmental Affairs
Attn: Anne Canaday, EOEEA #14115
MEPA Office
100 Cambridge Street, Suite 900
Boston, MA 02114

Re: EOEEA #14115, Proposed Article 97 Land Swap, Randolph

Dear Secretary Bowles:

On behalf of Mass Audubon, I submit the following comments on the Draft Environmental Impact Report (DEIR) for the above-referenced project.

This project involves a transfer of publicly owned parkland in the Blue Hills Reservation to a private landowner. A Massachusetts Environmental Protection Act (MEPA) review was triggered because the project requires a transfer of public parkland protected under Article 97 of the State Constitution. The proponent proposes to build 374 parking spaces on the parcel. The land transfer has been approved by the legislature under *Chapter 240 of the Acts of 2002*.

A full EIR was required to evaluate alternatives and mitigation. Mass Audubon remains concerned that these issues have not been fully addressed, and requests that the scope for the Final EIR (FEIR) require further information and analysis on the following points:

Alternatives

The DEIR still does not present a compelling case that the public safety benefits associated with the proposed land taking for a parking lot are sufficient to justify the taking of public parkland and associated impacts to wildlife habitat and a section of a public use trail. This portion of the Reservation has high value as wildlife habitat and for recreation. It contains a diverse, mature upland forest adjacent to a vernal pool. The portion of the trail impacted is vital to the entire trail because it is the entry point for the public to access the trail.

The EEA Article 97 public lands disposition policy prohibits the destruction of unique or significant natural resources. Further analysis is needed on the effects of this project on wildlife habitat and adjoining vernal pool habitat. An opinion from the Natural Heritage and Endangered Species Program should be required in the FEIR to determine whether or not the project will adversely impact state-listed rare species.

Mitigation:

The EEA policy on Article 97 land disposition requires such transfers to provide equal or greater monetary or resource value in land offered as mitigation. The Environmental Notification Form (ENF) proposed mitigation in the form of purchase and transfer of a parcel of land of equal size (3.2 acres) as an addition to the Reservation. As

noted in Mass Audubon's previous comments, this land is of equal size but it is not of equal value, either in terms of its monetary value or ecological values. An additional 2 acres of land along the Blue Hills River between Route 93 and a residential cul-de-sac and composed primarily of Riverfront Area and wetlands has now been added to the mitigation package. However, appraisals have not been completed to the satisfaction of the Department of Conservation and Recreation (DCR). The relative full market values of the parcel proposed to be taken and the proposed compensatory parcels should be documented in accordance with appraisals developed via a scope agreed upon by all parties including DCR and DCAMM. Full direct compensation in the form of addition of land of equal monetary and parkland value to the Reservation is preferred over monetary payments. However, if this is determined to be infeasible, the FEIR should fully document the analysis of all alternatives considered to achieve that goal and should commit to additional payment to the state for the difference in values.

Public access to and management of the proposed mitigation parcels should be addressed in the FEIR. In particular, detailed plans for removal of invasive species from these parcels prior to conveyance to DCR should be required.

Use Agreement and Future Uses:

Chapter 240 required that the Proponent enter into a Management and Use Agreement with the Division of Capital Asset Management and Maintenance (DCAMM) and DCR. The agreement should include provisions for public parking, access (including guarantees of public access to parking at the trailhead during events at the facility), and signage to the Smith Trail. Operational protections to adjoining parkland should also be addressed (e.g. preventing parking lot snow storage from intruding on the reservation as well as periodic monitoring for and removal of invasive species around the edges of the parking lot).

The existing parking lot that is being replaced and supplemented within the proposed project might be the subject of future development. Such a development would have additional impacts on the area as well as affect the justification and appropriate level of compensation for the parkland taking. The FEIR should document the proponent's binding commitments (i.e. deed restriction) to maintain the area as a parking lot, and describe additional MEPA and Article 97 requirements should those commitments propose to be altered in the future.

In conclusion, we urge the DCR to require further analysis and mitigation of proposed Article 97 Land disposition in Randolph in order to fully comply with the EOEEA Land Disposition Policy and prevent a net loss of public parkland.

Sincerely,

E. Heidi Ricci
Senior Policy Analyst

cc: Senator Pamela Resor
Commissioner Richard Sullivan, DCR
NHESP
Friends of Blue Hills Reservation