

DESIGNATION OF PORTIONS OF THE TOWNS OF
BOURNE AND PLYMOUTH

AS THE

HERRING RIVER WATERSHED AREA OF CRITICAL ENVIRONMENTAL CONCERN
WITH SUPPORTING FINDINGS

Following an extensive formal review required by the regulations of the Executive Office of Environmental Affairs (301 CMR 12.00) including nomination review, research, meetings, and evaluation of all public comments, I, the Secretary of Environmental Affairs, hereby designate The Herring River, Great Herring Pond, Little Herring Pond and associated watershed in the Towns of Bourne and Plymouth as an Area of Critical Environmental Concern (ACEC). I take this action pursuant to the authority granted me under Massachusetts General Law c. 21A, s. 2(7).

I also hereby find that the coastal wetland resource areas included in the Herring River Watershed ACEC are significant to the protection of groundwater and public water supplies, the prevention of pollution, flood control, the prevention of storm damage, fisheries, and wildlife habitat; those public interests defined in the Wetlands Protection Act (MGL c. 131, s. 40; 310 CMR 10.00).

I. Boundary of the Herring River Watershed ACEC

Upon review of the boundaries as recommended in the nomination letter, subsequent recommendations made in testimony received and EOEa agency review, the final boundaries generally include the watershed of Great Herring Pond, Little Herring Pond and the Herring River. Specifically, the boundary is defined as follows: Starting at a point at 100 feet to the west of Route 3 at the Plymouth County/Barnstable County Line, the boundary proceeds in a northerly direction along a line 100 feet west of Route 3 until it reaches Hedges Pond Road. The boundary then proceeds in a northwesterly direction along southerly side of Hedges Pond Road to a point where it meets Long Pond Road, where it follows the westerly side of Long Pond Road to its intersection with easternmost boundary of Lot 24, Town of Plymouth Assessors Map #113. From this point the boundary proceeds in a southerly direction along the easternmost boundaries of Lots 24, 26, and 27A, Town of Plymouth Assessors Map #113, to the southeasternmost corner of Lot 27A, where it proceeds in a westerly direction following the southerly boundary of lots 27A and 27 to the intersection with Lunn's Way. The boundary follows the easterly side of Lunn's Way to a point 100 feet in an easterly direction from the Commonwealth Electric Easement (1203C). The boundary then proceeds in a southerly direction along a line 100 feet easterly of the Commonwealth Electric Easement to its intersection the Mean High Water (MHW) line along the northerly shore of the Cape Cod Canal. The boundary proceeds along the MHW line of the Canal to a point 100 feet westerly of the Sagamore Bridge, following this line 100 feet west of the Sagamore Bridge and Route 3 in a northerly direction to the point from whence the it began.

II. Designation of the Resources of the Herring River Watershed ACEC

In my letter of acceptance of the nomination of the Herring River watershed as an ACEC, I stated that our evaluation indicated that it easily met the minimum threshold for consideration. Indeed, this nomination cited the presence of nine of the eleven resource categories, as listed at 301 CMR 12.06. The nomination letter clearly lists the quantity and quality of the resources present.

The presence of these critical resources, and their relatively undisturbed nature, clearly indicate their value to the region and the state.

III. Procedures Leading to ACEC Designation

On 15 October, 1990, a letter of nomination, signed by representatives of the Towns of Bourne and Plymouth was received by my office. The nomination was formally accepted by letter on 26 November, 1990, and the review process was begun.

Notice of the acceptance of the nomination and public hearing was published in the Cape Cod Times, and in the Massachusetts Environmental Monitor on or about 10 July, 1991. Numerous informational articles appeared in the local and regional newspapers.

In addition to the many public meetings held by the nominating parties during the preparation of the nomination and its local review, a public hearing was held on 13 August, 1991. The public comment period was held open until 27 August, 1991. Written and oral testimony was received from numerous individuals and organizations and is on file at the Massachusetts Coastal Zone Management office.

IV. Discussion of Criteria for Designation

In the review process leading to the decision on a nominated area, the Secretary must consider the factors specified in Section 12.09 of the EOE regulations regarding the designation of Areas of Critical Environmental Concern. As stated in these regulations, the factors need not be weighed equally, nor must all of these factors be present for an area to be designated. While the more factors an area contains the more likely its designation, the strong presence of even a single factor may be sufficient for designation.

Based on the information in the nomination letter, presented at the public hearing, and through written comments, and on the research of my staff, I find the following factors relevant to the designated ACEC:

Threat to the Public Health through Inappropriate Use Given the intensity of development within the watershed, concerns have been expressed by the representatives of the Towns about protecting groundwater resources of the area. The Department of Environmental Protection's Division of Water Supply identified the locations of three public supply wells within the boundary; most of the residents within the boundary have private wells. The DEP has also identified the area as being located within the Plymouth/Carver Sole Source Aquifer (SSA). The ACEC designation will complement the SSA designation and help to insure that this important source of drinking water is appropriately protected.

Quality of the Natural Characteristics The Division of Fisheries and Wildlife has identified great Herring pond as a regionally-important freshwater fishery resource. Also, the herring run is one of the most important in the State. The Ponds are generally clean and free of significant pollution sources, considering the intensity of development that surround them. The area contains approximately 250 acres of protected open space.

Uniqueness of the Area Two factors were considered important under this criterion. The first was the presence of three, possibly four, state-listed species protected under the Commonwealth's Endangered Species Act, including the Box Turtle (Terrapens carolina) and the Spotted Turtle (Clemmys guttata)

The second factor is the identified historical and cultural resources in the area. The Massachusetts Historical Commission has identified the area as containing what is believed to be the core habitation area for the "Herring Pond Indians", a Wampanoag settlement similar to, but slightly smaller than, the Gay Head and Mashpee communities. The settlement contains a meeting house site, and cemetery. The MHC also identified the presence of important historical resources from the colonial period, particularly in the Bournedale area.

Supporting Factors The elected and appointed boards and commissions of the Towns of Bourne and Plymouth have clearly stated their unqualified support of the nomination. State Senator Kirby, and Representatives Forman and Cahir have written to endorse the designation. A number of environmental organizations, including the Plymouth County Wildlands Trust, the Compact of Cape Cod Conservation Trusts, and the Buzzards Bay Action Committee, have also expressed their strong support. The Towns have taken steps to protect these regional resources, and have indicated that the ACEC designation will be an important tool in providing additional protection to this area.

V. Conclusion

I am pleased to designate the Herring River Watershed as an Area of Critical Environmental Concern. The significance of this ACEC requires that the highest standards of environmental review and protection be applied to actions that may affect its resources. It is hoped that this designation will serve to focus attention on the value and sensitivity of this area and provide guidance for future development proposals.

Susan F. Tierney
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Secretary of Environmental Affairs

11.5.91
Date