



*The Commonwealth of Massachusetts*  
*Executive Office of Energy and Environmental Affairs*  
100 Cambridge Street, Suite 900  
Boston, MA 02114

Deval L. Patrick  
GOVERNOR

Timothy P. Murray  
LIEUTENANT GOVERNOR

Ian A. Bowles  
SECRETARY

Tel: (617) 626-1000  
Fax: (617) 626-1181  
<http://www.mass.gov/envir>

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

PROJECT NAME : Connecticut River Bank Stabilization Project  
PROJECT MUNICIPALITY : Gill  
PROJECT WATERSHED : Connecticut River  
EEA NUMBER : 14286  
PROJECT PROPONENT : FirstLight Hydro Generating Company  
DATE NOTICED IN MONITOR : July 23, 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 third phase (Phase III) of an ongoing riverbank restoration project in the Turners Falls Pool section of the Connecticut River. The ENF indicates that bank erosion within this section of the Connecticut River has been caused by a combination of natural and human activities, including fluctuating water levels, agricultural practices, boat wakes, ice scour, and spring floods. Bank stabilization within the Turner Falls Pool section of the Connecticut River is mandated by the Federal Energy Regulatory Commission (FERC) license for the operation of the Northfield Mountain Pumped Storage Facility.

Phase III of the project includes work over the next five years in four specific areas along the riverbank, totaling approximately 4,975 linear feet of bank stabilization. These work areas

are identified in the ENF as the Bathory-Gallagher Property, Upper Split River Farm Site 1, Upper Split River Farm Site 2, and Split River Farm Site. Each site is located in the Town of Gill. The ENF has proposed soil bioengineering techniques to stabilize bank soils including: use of woody debris, biodegradable erosion control materials, boulders, and native riparian vegetation. The Department of Conservation and Recreation (DCR) owns a Conservation Restriction on the Bathory-Gallagher parcel. The comment letter on the ENF submitted by DCR indicated that, as described in the ENF, the project is consistent with the stated purpose of the Conservation Restriction, and does not constitute a Prohibited Activity as described in the Conservation Restriction.

The project is anticipated to directly impact approximately 4,975 linear feet of bank and 250,000 square feet of Riverfront Area as part of restoration and stabilization efforts. The project is located in an area illustrated as being within both *Estimated Habitat* of rare wildlife and *Priority Habitat* of rare species. Surveys have confirmed the presence of archaeological sites along the Connecticut River and within the vicinity of the proposed restoration areas. It is anticipated that work will be conducted between 2009 and 2012.

### Jurisdiction

The project is undergoing MEPA review pursuant to 301 CMR Sections 11.03(3)(b)(1)(b) and 11.03(3)(b)(1)(f) because the project requires a State agency action and will alter more than 500 linear feet of bank and more than a half acre of other wetlands (Riverfront Area). The project may also result in the take of an endangered species or threatened species or species of special concern on a project site greater than two acres in area and mapped as a Priority Site of Rare Species Habitats (301 CMR 11.03(2)(b)(2)). The project will require a Conservation and Management Permit from the Division of Fisheries and Wildlife Natural Heritage and Endangered Species Program (NHESP). The project may require a Section 401 Water Quality Certificate (401 WQC) and approval in accordance with M.G.L. c.91 from the Massachusetts Department of Environmental Protection (MassDEP). The project will require an Order of Conditions from the Gill Conservation Commission. A State Archaeologists permit was issued for an intensive (locational) archaeological survey in 2007 which included areas subject to the Phase III bank stabilization project. The project will require coverage under the Programmatic General Permit (PGP) from the United States Army Corps of Engineers (ACOE). The project may require a National Pollutant Discharge Elimination System (NPDES) Construction General Permit (CGP) from the United States Environmental Protection Agency (U.S. EPA) contingent upon project phasing and final design plans.

Because the proponent is not seeking financial assistance from the Commonwealth for the project, MEPA jurisdiction extends to those aspects of the project that are within the subject matter of required or potentially required state permits and that are likely to cause Damage to the Environment as defined in the MEPA regulations. In this case, MEPA jurisdiction exists over wetlands and waterways, rare species, and historical and archaeological resources.

### Project History

According to the ENF, Phase I of the project included bioengineered bank stabilization on five sites between 1996 and 2000 in the towns of Northfield and Gill. Approximately 5,140 linear feet of bank in five locations were stabilized as demonstration projects to determine whether bioengineering was appropriate for stabilizing the banks of the Connecticut River within the Turners Falls Pool. In 1998, an Erosion Control Plan for the Turners Falls Pool was developed to address riverbank erosion, in compliance with the FERC licenses that govern the two hydro power projects operated in the Turners Falls Pool. Phase II of the project included the selection of nine sites to be stabilized between 2001 and 2008. Phase II resulted in the stabilization of an additional 6,450 linear feet of bank in the Turners Falls Pool. Two preventative maintenance sites were also designed and permitted as part of Phase II and are anticipated to be build in the summer/fall of 2008. Historic, ongoing and future stabilization sites have been and will be evaluated and prioritized in consultation with the Connecticut River Streambank Erosion Control Committee. Phases I and II of the project were reviewed as part of EEA file No. 8162. Subsequent to consultation with the MEPA office, it was determined that Phase III would be filed as a new ENF under the new file number 14286.

Previous documentation associated with the FERC license and the Erosion Control Plan have referred to the Bathory-Gallagher Property as part of the former Kaufhold Property, or included it as part of the Split River Farm designation. Based upon comments received on the Phase III project, it appears that a subsection of the Kaufhold Property, now referred to as the Wallace/Watson property, is no longer part of the Phase III bank stabilization project, and may have been originally included in the Erosion Control Plan as a parcel anticipated for inclusion in bank stabilization efforts. While this confusion is not specifically germane to MEPA, I encourage the Proponent to work with property owners and FERC to remedy the situation. Given the adjacent nature of the Wallace/Watson Property to the Phase III improvements, there may be opportunities to incorporate additional bank stabilization measures.

### Wetlands

Phase III involves the stabilization of approximately 4,975 linear feet of bank along the Connecticut River in four distinct improvement areas. The selection of these sites for erosion control and stabilization were determined in consultation with the Connecticut River Streambank Erosion Control Committee and chosen by the project Proponent to meet the terms of their FERC license. Proposed bank stabilization techniques include the use of root wads and log veins, willow stakes, placement of native rounded boulders, and the creation of an emergent shelf with submerged aquatic vegetation. The upper slope areas adjacent to the project site will remain undisturbed, with a native seed mix to be spread on the existing undisturbed slope. These techniques are represented in Figure 6 in the ENF. I anticipate that the Proponent will utilize the data gathered from the recent geomorphology, bathymetric and hydraulic modeling studies to finalize project design and maximize opportunities to avoid, minimize, or mitigate damage to the environment.

MassDEP has indicated that a 401 WQC and c.91 approval may be required for the project based upon final project design. The Proponent should work collaboratively with MassDEP to confirm compliance with applicable regulations and performance standards during the permitting process. The Proponent must submit a Notice of Intent to the Gill Conservation Commission for approval prior to project commencement.

### Rare Species

The project site is located within *Priority* and *Estimated Habitat* as indicated in the 12<sup>th</sup> Edition of the MA Natural Heritage Atlas. The NHESP has indicated in its comment letter that the project requires review through a direct filing with NHESP for compliance with the Massachusetts Endangered Species Act (MESA 321 CMR 10.00). The ENF has noted that rare species surveys have been conducted since 2001 in the various areas impacted by the ongoing Connecticut River bank stabilization projects (Phases I and II). The Proponent should use survey data to guide overall bank stabilization design for Phase III and continue to work with NHESP to provide information in accordance with required MESA filings.

### Archaeological Resources

The ENF acknowledges the presence of archaeologically sensitive areas along the Connecticut River and within the vicinity of the proposed restoration areas. The Massachusetts Historical Commission (MHC) noted that in 2007, a State Archaeologists permit was issued for an intensive (locational) archaeological survey (950 CMR 70) to University of Massachusetts Archaeological Services (UMAS) for a parcel of land historically referred to as the Kaufhold Property. The archaeological survey included the Phase III bank stabilization project areas presented in the ENF designated as the Bathory/Gallagher, Upper Split River Farm, and the Split River Farm parcel.

The MHC comment letter on the ENF indicates that the project planners have taken into account the results of the archaeological investigations and that the bank stabilization construction activities proposed will include the avoidance and protection of significant archaeological sites. The Proponent should provide MHC with archaeological reports, project plans and additional information, including archaeological site avoidance and protection plans, as project design is finalized.

Based on the information in the ENF and after consultation with relevant public agencies, I find that no further MEPA review is required at this time. The Proponent should continue to work with and provide final design plans to relevant State Agencies as the project progresses. The project may proceed to State permitting.

September 26, 2008

Date



Ian A. Bowles

Comments received:

08/15/2008 Massachusetts Historical Commission  
08/27/2008 Maryanne Gallagher, Michael Bathory, Alan Wallace, and Barbara Watson  
09/12/2008 Connecticut River Watershed Council  
09/16/2008 Massachusetts Department of Environmental Protection – WERO  
09/16/2008 Department of Conservation and Recreation  
09/16/2008 Division of Fisheries and Wildlife – Natural Heritage and Endangered Species  
Program

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