

For Office Use Only Executive Office of Environmental Affairs MEPA Analyst: <i>Aisling Eglinton</i> Phone: 617-626-1024

NPC

Notice of Project Change

The information requested on this form must be completed to begin MEPA Review of a NPC in accordance with the provisions of the Massachusetts Environmental Policy Act and its implementing regulations (see 301 CMR 11.10(1)).

Project Name: Ashley Lake Dam Repair Project		EOEA #: 14295
Street: Washington Mountain Road		
Municipality: Washington	Watershed: Housatonic Watershed	
Universal Transverse Mercator Coordinates: UTM Zone 18, 650993.40 m E, 4694489.75 m N	Latitude: N 42.388021° Longitude: W 73.165629°	
Status of project construction: 0 %complete		
Proponent: City of Pittsfield, Bruce Collingwood, Commissioner of Public Works and Utilities		
Street: Pittsfield City Hall, 70 Allen St.		
Municipality: Pittsfield	State: MA	Zip Code: 01201
Name of Contact Person From Whom Copies of this NPC May Be Obtained: Jennifer Doyle-Breen		
Firm/Agency: AECOM Water	Street: 701 Edgewater Drive	
Municipality: Wakefield	State: MA	Zip Code: 01880
Phone: 781-224-6474	Fax: 781-224-5986	E-mail: Jennifer.Doyle-breen@aecom.com

In 25 words or less, what is the project change? The project change includes a modification in environmental impacts and the removal of a dam on Hathaway Brook as a mitigation measure.
 See full project change description beginning on page 3.

Date of ENF filing or publication in the Environmental Monitor: **August 6, 2008**

Was an EIR required? Yes No; if yes,
 was a Draft EIR filed? Yes (Date:) No
 was a Final EIR filed? Yes (Date:) No
 was a Single EIR filed? Yes (Date:) No

Have other NPCs been filed? Yes (Date(s):) No

If this is a NPC solely for lapse of time (see 301 CMR 11.10(2)) proceed directly to "ATTACHMENTS & SIGNATURES" on page 4.

PERMITS / FINANCIAL ASSISTANCE / LAND TRANSFER

List or describe all new or modified state permits, financial assistance, or land transfers not previously reviewed:

Removal of the Lower Hathaway Dam will require an NOI anticipated to be submitted to the Dalton Conservation Commission and MassDEP in April 2009. Separate 401 and 404 permits will be obtained for Upper Hathaway Dam removal. Chapter 253 Permit Applications will be filed with the Massachusetts Department of Conservation and Recreation (DCR) to Request a Determination regarding whether the dam removal work falls under DCR jurisdiction.

Are you requesting a finding that this project change is insignificant? (see 301 CMR 11.10(6))

Yes No; if yes, attach justification.

Are you requesting that a Scope in a previously issued Certificate be rescinded?

Yes No; if yes, attach the Certificate

Are you requesting a change to a Scope in a previously issued Certificate? Yes No; if

yes, attach Certificate and describe the change you are requesting:

Summary of Project Size & Environmental Impacts	Previously reviewed	Net Change	Currently Proposed
LAND			
Total site acreage	7.30 (within Limit of Work) + 103.7 (Ashley Lake beyond Limit of Work at elevation 1924 (full pool))	+ 0.5 (Lower Hathaway Dam removal)	111.5
Acres of land altered	3.33 Upland staging areas and upland work areas within immediate limit of work (T); 0.14 expanded portion of gravel road (P)	- 0.14 expanded portion of gravel road; + 0.005 Lower Hathaway Dam removal and impoundment area	3.33 Upland staging areas and upland work areas within immediate limit of work (T); 0.005 Lower Hathaway Dam removal and impoundment area
Acres of impervious area	0.01 new dam wall face	- 0.005 Lower Hathaway Dam removal	-0.02
Square feet of bordering vegetated wetlands alteration	15,180 for equipment staging and dam wall repair (T)	+ 3,655 for 50 ft wide band downgradient of dam wall/toe of slope and change of some temporary impacts to permanent (P)	11,365 for 50 ft wide band downgradient of dam wall/toe of slope (P) ¹ ; 7,470 for temporary equipment staging (T)

Square feet of other wetland alteration	500 for new dam wall in Land Under Water/Bank (P); 124,700 repair work access and temporary drawdown within immediate limit of work in Land Under Water/Bank (T) ² ; 1,600 expanded gravel roadway in Riverfront Area (P);	-39,870 for repair work access -1,600 gravel road will not be expanded	500 for new dam wall in Land Under Water/Bank (P); 84,380 repair work access within immediate limit of work in Land Under Water/Bank (T)
Acres of non-water dependent use of tidelands or waterways	0	0	0
STRUCTURES			
Gross square footage	500 new dam wall face	-188 removal of Hathaway	312
Number of housing units	0	0	0
Maximum height (in feet)	0	-6 removal of Lower Hathaway Dam	-6 removal of Lower Hathaway Dam
TRANSPORTATION			
Vehicle trips per day	0	0	0
Parking spaces	0	0	0
WATER/WASTEWATER			
Gallons/day (GPD) of water use	0	0	0
GPD water withdrawal	0	0	0
GPD wastewater generation/ treatment	0	0	0
Length of water/sewer mains (in miles)	0	0	0

General Note – “P” denotes estimates of permanent impact upon completion of the project; “T” denotes estimates of temporary Impacts

¹ An additional 415 square feet of isolated wetlands will be impacted, which are regulated under Sections 401 and 404 of the Clean Water Act, but are not regulated under the MA Wetlands Protection Act.

² As part of its normal operating procedures, the City of Pittsfield is allowed to lower the reservoir to elevation 1909. The repairs will include lowering the reservoir to only elevation 1914, and therefore will not involve any lowering impacts beyond those periodically experienced as part of the operation of the water supply. As discussed during the ENF review, lowering impacts beyond the limit of work were not considered within MEPA jurisdiction.

Does the project change involve any new or modified:

1. conversion of public parkland or other Article 97 public natural resources to any purpose not in accordance with Article 97? Yes No

2. release of any conservation restriction, preservation restriction, agricultural preservation restriction, or watershed preservation restriction? Yes No

3. impacts on Estimated Habitat of Rare Species, Vernal Pools, Priority Sites of Rare Species, or Exemplary Natural Communities? Yes No

4. impact on any structure, site or district listed in the State Register of Historic Place or the inventory of Historic and Archaeological Assets of the Commonwealth?

TBA* Yes No; if yes, does the project involve any demolition or destruction of any listed or inventoried historic or archaeological resources? Yes No

* A Project Notification Form has been submitted to the Massachusetts Historical Commission to request this information

5. impact upon an Area of Critical Environmental Concern? Yes No
If you answered 'Yes' to any of these 5 questions, explain below:

PROJECT CHANGE DESCRIPTION (attach additional pages as necessary). The project change description should include:

- (a) a brief description of the project as most recently reviewed
- (b) a description of material changes to the project as previously reviewed,
- (c) the significance of the proposed changes, with specific reference to the factors listed 301 CMR 11.10(6), and
- (d) measures that the project is taking to avoid damage to the environment or to minimize and mitigate unavoidable environmental impacts. If the change will involve modification of any previously issued Section 61 Finding, include a proposed modification of the Section 61 Finding (or it will be required in a Supplemental EIR).

As described in the ENF, dated July 2008, Ashley Lake Dam, located in a rural wooded area in Washington, Massachusetts (see Attachment A), has been classified as a "High Hazard" dam because loss of life and property damage will likely occur in the event of its failure. The dam is in overall poor condition and is in need of a major rehabilitation. The City of Pittsfield received a Certificate of Non-Compliance / Dam Safety Order from the MA DCR Office of Dam Safety for Ashley Lake Dam on May 2, 2008. The Dam Safety Order requires the dam to be repaired by no later than December 12, 2009.

Project Activities as Previously Reviewed

As reviewed in the Environmental Notification Form (ENF) (See Attachment B), project activities were anticipated to include: a drawdown of Ashley Lake to facilitate repair activities; clearing of up to one acre of upland to accommodate a staging area and truck turn-around; resurfacing and slight widening of the existing gravel access road to the site (New Lenox Road) with crushed stone/gravel to accommodate the larger vehicles required for the dam work; removal of existing tree stumps and trees within an approximate 50-foot band downgradient of the dam wall/toe of slope to minimize conductivity by tree roots and to facilitate inspections; temporary removal of sediment near dam wall footing and temporary stockpiling within nearby dewatered area in limit of work; removal of loose debris and addition of a one-foot thick face of concrete to dam wall and two-foot thick face of concrete to spillway; repair of gatehouse structure and overflow channel wall; replacement of sediment near dam wall footing; re-pointing of the dam wall face on the downstream side (where necessary); and restoration of temporarily disturbed wetland resource areas within the limit of work.

Changes to Project as Previously Reviewed

LUW Impact Decrease:

The ENF included large impacts to Land Under Water within the limit of work. The limit of work within Ashley Lake has been decreased from original boundaries to reduce area in which the contractor will be allowed to move equipment and stockpile sediments.

Road Repair Decrease:

An existing road will be used to access the Ashley Lake Dam during construction activities. The previous plan had proposed expanding the width of this road by 3 feet. As now proposed, the plan retains the improvements to the existing road by resurfacing with packed gravel; however the width of the existing

road will not be extended (See Attachments C and D).

Bordering Vegetated Wetland Change:

All impacts to Bordering Vegetated Wetlands (BVW) were previously considered temporary. The 50-foot band downgradient of the dam wall was proposed to be cleared of existing tree stumps and trees and restored at the end of construction. This area is now proposed to be maintained under a routine mowing program, approximately 1-2 times each year to increase the visibility for inspections and security. These impacts are not a change to BVW impacts as they were included in the ENF, however, the type of impact is now proposed to be permanent. Changes to BVW impacts include an increase by 4,310 square feet resulting from portions of BVW within the 50-foot band that were thought to be avoided at the time of the ENF now being included in the 50-foot maintenance band (See Attachments C and D).

Mitigation Change:

Efforts to identify on-site mitigation opportunities for the loss of wetland/BVW were unsuccessful. Areas adjacent to Ashley Lake that are not currently wetland are forested, relatively steep, and not easy to access. The existing large expanses of undisturbed upland forest offers little opportunity to gain wildlife habitat function through wetland creation, as these areas currently have high wildlife value, and canopy removal for wetland creation would likely have adverse rather than beneficial effects on this function. Furthermore, MA Department of Fish and Wildlife (DFW) has indicated that much of the area between Ashley Brook and Washington Mountain Road is mapped as Estimated and/or Priority Habitat, and disturbance of these areas for wetland creation would not be desirable.

Off-site opportunities for mitigation were evaluated in consultation with the US Army Corps of Engineers and MassDEP. A mitigation concept has been developed to compensate for unavoidable aquatic resource impacts associated with the Ashley Lake Dam repairs, which involves removal of an existing dam on Hathaway Brook in Dalton, Massachusetts (See Attachment A). There are two dams owned by the City of Pittsfield, located on Hathaway Brook, which is a tributary of Sackett Brook; the dams are located approximately two miles north of Ashley Lake. Removal of the Lower Hathaway Dam is mitigation for the loss of wetlands resulting from proposed construction activities related to the Ashley Lake Dam Repair Project. Based on consultation with MassDEP and the USACE, the removal of the Lower Hathaway Dam will be required as mitigation in the 401 Certification and Section 404 Permit anticipated to be issued for the project. In good faith, the City also plans to remove Upper Hathaway Dam, or Hathaway Reservoir Dam. A separate ENF regarding the non-mitigation removal of the Upper Hathaway Dam is planned to be submitted to EOEEA for review under MEPA.

The Lower Hathaway Dam, located approximately 200 ft downstream of Hathaway Reservoir, appears to have been constructed around 1890 to provide drinking water to the City of Pittsfield. Use of the reservoir as a water supply source ceased in the late 1950's. The dam is in good condition overall; however the impoundment area behind the dam is filled with sediment to the point that only a stream channel with no storage area remains upstream. The dam is approximately 75 feet long by 6 feet high with a 3-foot wide crest. A 3-foot by 3-foot intake box that houses a screen chamber is located on the upstream face of the dam. The water that is collected in the intake box currently runs through a pipe that discharges approximately 50 feet downstream of the Lower Dam at a headwall.

The Upper Hathaway Dam was built in 1908 to create an additional water supply, storing approximately 1.5 million gallons for the City of Pittsfield; however, the Hathaway Reservoir is no longer used as a public water supply and the dam is severely deteriorated. Rebar is exposed and water is leaking below the spillway. The concrete dam is 157 feet in length, 5 feet 2 inches wide at the crest and has a height of 22 feet. Additional information regarding the Upper Hathaway Dam removal will be provided in a future ENF submitted to the MEPA office.

Removing the Lower Dam will restore natural conditions in approximately 200 feet of stream between the existing Upper Hathaway and Lower Hathaway Dams. This will improve cold water fish species and other aquatic habitat in this 200-foot reach of the brook. The DFW observed Brook Trout (*Salvelinus fontinalis*) in Hathaway Brook during a site visit on October 23, 2008.

Significance of Proposed Changes

The proposed changes and the addition of the Hathaway Dam removal are considered insignificant based on MEPA regulation 310 CMR 11.10 (6) which states that the Secretary shall consider the following factors when considering if a change is significant:

- (a) *Expansion of the Project:* Although the addition of the dam removal on Hathaway Brook increases the square footage of the proposed project, this increase relates to the mitigation for Ashley Lake Dam resource area impacts and would be a beneficial effect, rather than a detriment to natural resource areas. By itself, removal of the Lower Hathaway Dam is not anticipated to exceed any MEPA review thresholds. Other changes proposed actually decrease the project area at Ashley Lake, including a reduction in the road width and a reduction in the dimensions of the work area in the dewatered portion of Ashley Lake.
- (b) *Generation of further impacts:* Impacts in Riverfront and Land Under Water will decrease, due to the decreased road width and reduction in work area dimensions within the dewatered portion of Ashley Lake. Although some increase in BVW impact is proposed, it is less than a 25% increase in the previously anticipated impact, and is related to a determination, based on DCR recommendations, to maintain a 50-foot wide area along the toe of the downstream dam face mowed and clear of all woody vegetation; BVW impacts are predicted to increase by a total of 3,655 square feet, which is less than 25% of the 15,180 square feet of BVW impact identified in the ENF. In addition, some impacts will change from temporary to permanent. However, this project change incorporates off-site mitigation activities [i.e. Hathaway Dam removal], which the jurisdictional regulatory agencies (MassDEP and USACE) have supported as sufficient to offset the proposed wetland impacts.
- (c) *Change in expected date for Commencement of the Project:* The project is still anticipated to commence in Spring 2009 and be completed by December 2009.
- (d) *Change of the Project site:* The project now includes a mitigation component that will occur off-site, i.e. the removal of Lower Hathaway Dam. This change is not considered to be significant because the activities on Hathaway Brook will result in a benefit to natural resources, and has been incorporated into the project at the suggestion of, and with the concurrence/support of, MassDEP, MA Riverways Program, and the USACE.
- (e) *New application for Permit or New request for Financial Assistance or a Land Transfer:* The Lower Hathaway Dam removal will be included as part of the 401 Water Quality Certification issued for the Ashley Lake dam repair project, previously identified as necessary in the ENF. The ENF identified that an Order of Conditions would likely be necessary from the Washington Conservation Commission; however, subsequent coordination has indicated that the Ashley Lake Dam repair is exempt from the Wetlands Protection Act, as it entails maintenance, without substantial enlargement, of existing and lawfully located structure used in the service of public water supply. It is anticipated, however, that a Notice of Intent will be filed with the Dalton Conservation Commission, relative to the proposed Lower Hathaway Dam removal. In addition, a determination will be sought from the Department of Conservation and Recreation (DCR) regarding whether the removal of the Lower Hathaway Dam requires DCR review.
- (f) *For a Project with net benefits to environmental quality and resources or public health, any change that prevents or materially delays realization of such benefits:* The project change proposed will not prevent or delay the public health benefits achieved by repairing the Ashley Lake Dam, which will ultimately protect the City of Pittsfield's water supply source.
- (g) *Lapse of time:* No lapse of time is involved in the project change.

Mitigation

Project impacts have been avoided and minimized to the maximum extent possible. The limit of work within Ashley Lake has been decreased from original boundaries to reduce the area in which the contractor will be allowed to move equipment and stockpile sediments. Impacts to isolated wetlands along New Lenox Road are being entirely avoided by eliminating any widening of the road, which was

considered in earlier project planning but has since been removed from the project design.

Removal of the lower dam on Hathaway Brook would restore approximately 200 feet of stream and wetland habitat which is currently isolated from the lower reaches of Hathaway Brook, Sackett Brook, and extensive adjacent wetland habitat due to the presence of the dam. Between 500 and 1,000 cubic yards of material are estimated to be removed upstream of the dam. The goals and benefits of the dam removal mitigation project include:

- Restoration of the stream connectivity of Hathaway Brook
- Creation of fish and wildlife habitat
- Provision of aquatic resource access to stream habitat upstream of the current Lower Hathaway Dam.

The dam removal would be conducted under the MA Executive Office of Environmental Affairs December 2007 dam removal guidelines in collaboration with the MA Riverways Program. Data collection, including a topographic survey of the area and sediment sampling and analysis, is currently ongoing, based on initial consultation with and guidance from Tim Purinton of MA Riverways.

The City plans to conduct removal activities for both the upper and lower Hathaway dams at the same time, most likely in late summer or fall of 2009 to take advantage of low flow conditions. Construction activities may include dewatering the areas behind the Lower Dam and removing a portion of the sediment. Approximately 5,500 cubic yards of material is estimated to be present upstream of the Upper Hathaway impoundment, and 500 to 1000 cubic yards between the Upper and Lower Hathaway Dams. Depending on the final design of the dam removals and pending results of the sediment analysis report, some or all of this material will be excavated and placed in a suitable location onsite with any excess material being hauled away. The concrete dam structures and appurtenant structures will be removed and materials will be disposed off-site. The stream bed and banks will be re-established as necessary and vegetation and ground cover to the new banks will be restored. Based on preliminary hydraulic/hydrologic analysis of Hathaway Brook upstream of the Lower Hathaway Dam, it is not anticipated that a measureable increase in downstream peak flows will result from removal of either dam.

Access to the dam site is being evaluated through either land owned by the City or a cooperative abutter. The proposed access through a cooperative abutter would use an existing wood road that would require some tree and brush removal and potential resurfacing with gravel to make it suitable for construction vehicles. Alternatively, access on City owned property would require construction of a new access road. The staging area for the access road through the cooperative abutter's property would be in an open field south of the proposed access road and used for parking contractor vehicles and equipment and for temporary storage of construction materials (Attachment D). The staging area along a newly constructed access road would be located in a fairly flat area in close proximity to Washington Mountain Road.

While the Hathaway Dam removal is perceived as an overall environmental benefit, in agreement with the US Army Corps of Engineers, MassDEP, MassDFW and Mass Riverways, there may be some short-term adverse impacts during construction. These adverse impacts would be mitigated through best management practices such as installing erosion and sedimentation controls to minimize the potential for erosion and siltation impacts downgradient. Waste materials, debris, and trash will be cleaned from the work site at the end of each day and placed in trash barrels and/or dumpsters which will be disposed off-site. Dumping of waste or other debris into wetland resource areas and/or buffer zones outside the limit of work will not be allowed during construction. Concrete debris from dam wall repair will be removed from wetland resource areas and stockpiled in the upland staging area while awaiting proper disposal. General construction safety procedures will be followed to prevent events which could result in spills, releases, or other environmental damage.

The City of Pittsfield consulted with the Natural Heritage and Endangered Species Program (NHESP) regarding the Ashley Lake Dam repairs, and subsequently regarding the proposed Hathaway Dam removals. NHESP conducted a review of the filing in accordance with the Massachusetts Endangered Species Act (MESA) and concluded there would be no impacts to rare flora or fauna (Attachment E).

ATTACHMENTS & SIGNATURES

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Executive Office of Environmental Affairs

MEPA Analyst:
 Phone: 617-626-

Attachments:

1. Secretary's most recent Certificate on this project
2. Plan showing most recent previously-reviewed proposed build condition
3. Plan showing currently proposed build condition
4. Original U.S.G.S. map or good quality color copy (8-1/2 x 11 inches or larger) indicating the project location and boundaries
5. List of all agencies and persons to whom the proponent circulated the NPC, in accordance with 301 CMR 11.10(7)

Signatures:

<p><u>2/26/09</u> <u><i>Bruce Collingwood</i></u> Date Signature of Responsible Officer or Proponent</p>	<p><u>2/26/09</u> <u><i>Lisa Pietro</i></u> Date Signature of person preparing NPC (if different from above)</p>
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<p><u>Bruce Collingwood</u> Name (print or type)</p> <p><u>City of Pittsfield</u> Firm/Agency</p> <p><u>Pittsfield City Hall, 70 Allen St.</u> Street</p> <p><u>Pittsfield, MA 01201</u> Municipality/State/Zip</p> <p><u>413-499-9330</u> Phone</p>	<p><u>Lisa Pietro</u> Name (print or type)</p> <p><u>AECOM Water</u> Firm/Agency</p> <p><u>701 Edgewater Drive</u> Street</p> <p><u>Wakefield, MA 01880</u> Municipality/State/Zip</p> <p><u>781-224-6258</u> Phone</p>
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