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January 27, 2006

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS ON THE FINAL ENVIRONMENTAL IMPACT REPORT

PROJECT NAME : Town Forest Well
PROJECT MUNICIPALITY : Groton
PROJECT WATERSHED : Nashua River Basin
EOEA NUMBER : 13420
PROJECT PROPONENT : West Groton Water District
DATE NOTICED IN MONITOR : December 21, 2005

As Secretary of Environmental Affairs, I hereby determine that the Final Environmental Impact Report (FEIR) submitted on this project **adequately and properly complies** with the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H) and with its implementing regulations (301 CMR 11.00).

As described in the FEIR, the proposed project involves development of a new water supply well to provide an average of 0.27 million gallons per day (mgd). The project also includes construction of a pump house, a water treatment plant, upgrading of 1,800 feet of gravel access roadway (former railbed and trail network), replacement of a box culvert in the former railbed, and installation of approximately one mile of new water main. The proposed new well will serve as the main water supply source for the West Groton Water District (the District). The District has been experiencing problems relating to water quality and Zone I ownership for the existing tubular well field. The proposed new well is intended to improve the quality of water provided, and to allow for flexibility and redundancy within the system.

The project site is located within the Town Forest in Groton in an area protected under Article 97 of the Massachusetts Constitution. The FEIR indicates that the proposed project will permanently impact 84 sf of Article 97 land due to construction of the well and pump house. Other impacts to Article 97 land include a temporary construction easement (1.6 acres), and permanent easements over the water mains (1.1 acres) and 11.2 acres of Zone I area. The project site is located within the Squannassit Area of Critical Environmental Concern (ACEC) and within Priority Habitat and Estimated Habitat of rare species. Proposed mitigation for project-related impacts includes conservation

restrictions on an adjacent 100-acre property (the Blood property), recently purchased by the proponent and funded in part through a grant from the Commonwealth. The Blood property, located within the ACEC and Priority Habitat, will be permanently protected for water supply protection, agricultural use, public open space, and as a potential future public water supply source.

The project is undergoing MEPA review pursuant to Section 11.03 (4)(b)(1) of the MEPA regulations because it involves new withdrawal of 100,000 or more gallons per day (gpd) from a water source that requires new construction for the withdrawal. The project is also undergoing MEPA review pursuant to Section 11.03 (11)(b) because it is located within an ACEC, Section 11.03(2)(b) because it may involve a “take” of a rare species, Section 11.03 (1)(b)(3) because it involves conversion of land held for natural resource purposes in accordance with Article 97, and Section 11.03(1)(b)(4) because it involves conversion of prime and state significant agricultural soils to non-agricultural use.

The project will require a Water Management Act Permit, New Source Approval, Water Treatment Facility Permit and other water supply approvals from the Department of Environmental Protection (DEP). The project requires an Order of Conditions from the Groton Conservation Commission (and on appeal only, a Superceding Order from DEP). The project also requires Scientific Collection Permits from the Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program (NHESP). A Town Meeting vote and Act of the State Legislature is required to approve the proposed change of use on Article 97 land. The project also requires a National Pollutant Discharge Elimination System (NPDES) Construction Activities Permit from the US Environmental Protection Agency (EPA).

The proponent is not seeking financial assistance from the Commonwealth for the proposed water supply well. However, since the filing of the Environmental Notification Form (ENF), state funding was used to purchase land proposed for mitigation (the Blood property). Therefore, MEPA jurisdiction is broad and extends to all aspects of the project with the potential to cause Damage to the Environment as defined in the MEPA regulations.

Rare Species and Wildlife

The proposed project occurs within Priority Habitat and Estimated Habitat of five rare species listed as being of “special concern” or “threatened”. Rare species that have been documented to occur within the project area include the Forcipate Emerald (*Somatochlora forcipata*), Spotted Turtle (*Clemmys guttata*), Wood Turtle (*Clemmys insculpta*), Triangle Floater (*Alasimodonta undulata*), and Blanding’s Turtle (*Emydoidea blandingi*).

The NHESP, in its comment letter, supports the preferred water mains route (the Option 3 alternative) as it avoids separation of important habitat features and minimizes

impacts to rare species habitat. The NHESP has determined that there will be no adverse effect to rare species habitat and there will be no "take" of state-listed species provided that the proponent complies with mitigation measures outlined in the EIR and conditions specified in the NHESP comment letter.

Since the filing of the DEIR, the proponent has been in consultation with NHESP regarding measures to protect state-listed species and has made commitments in the FEIR to rare species mitigation. As further detailed in the FEIR, the proponent has committed to wildlife diversion fencing, erosion and sedimentation controls, culvert replacement, and drilling at depth below wetlands to avoid adverse impacts to rare species. The proponent has also committed to wetlands monitoring and management of withdrawals to avoid impacts to the Squannacook River and wetland areas adjacent to the well.

The proponent should obtain NHESP approval of the wildlife diversion fencing approach, and pre-approval of a qualified wildlife biologist to implement the proposed fencing system. The proponent should provide NHESP and the Conservation Commission with results of the existing culvert evaluation. Replacement of the culvert with an "optimum standard" crossing as recommended by NHESP will enhance wildlife movement and rare species protection. The proponent should consult with NHESP to finalize mitigation requirements related to culvert replacement. The proponent should ensure that the project is implemented in accordance with the conditions as further detailed in the NHESP comment letter.

Wetlands

The proposed project will impact approximately 3,449 sf of bordering vegetated wetlands (BVW) as well as wetlands within the 100-foot buffer zone. The proponent has committed to a replication area of 7,010 sf as mitigation for BVW impacts. As further detailed in the FEIR, the proponent has committed to a wetlands monitoring plan to assess impacts associated with water withdrawals, and to monitor the success of wetlands replication.

The proponent should ensure that the wetland area adjacent to the proposed well, where obligate vernal pool species were observed, is officially certified as a vernal pool. The wetlands monitoring plan should be designed with consideration given to the life cycle of the species present. The proponent should consult with DEP, NHESP and the Conservation Commission regarding design of the wetlands monitoring plan. Long-term monitoring requirements will be incorporated as part of the Water Management Act Permit conditions and should be included in DEP Section 61 Findings. The proponent should submit copies of baseline and future wetlands monitoring reports to NHESP and consult with NHESP regarding monitoring results and any additional measures that may be required to protect rare species and their habitats.

Water Supply

The proponent is authorized under a Water Management Act (WMA) registration to withdraw 0.27 mgd from an existing tubular wellfield located at 309 Townsend Road and is seeking a WMA permit to approve a new withdrawal location within the Town Forest (referred to in the FEIR as Site 18). As further detailed in the DEP comment letter, the proposed well pumping system will be designed for a maximum pumping rate of approximately 0.85 mgd, the annual average pumping rate will be limited to 0.27 mgd, and no additional water volumes will be authorized by the Water Management Act permit.

Although the existing tubular well will continue to be pumped and remain active, the proposed new well at Site 18 is intended to serve as the primary water supply. As further detailed in the FEIR and in DEP comments, monitoring results will be used to inform withdrawal strategies and determine if any changes are needed order to avoid adverse impacts to wetlands resources. The proponent should consult with DEP regarding the need for any additional studies to optimize water supply use and minimize environmental impacts.

The FEIR included a revised stream and basin analysis based on DEP's site screening worksheet as required in the Scope. According to the FEIR, the results of the analysis indicate that the proposed withdrawal will not significantly impact streamflow. The FEIR includes commitments to water conservation measures including leak detection, an outdoor water restriction byelaw, water saving devices in public buildings, and a public education program.

Article 97

The FEIR provided an update on the Article 97 land disposition process and indicates that the Town of Groton Forest Committee and Board of Selectmen have supported the use of the Article 97 land for the proposed well and associated easements. According to the FEIR, the proposed water withdrawal was approved at a special town meeting on September 12, 2005. The FEIR provided additional information regarding the project's impacts on Article 97 land and its consistency with the EOEAs Article 97 Land Disposition policy. The Draft Section 61 findings in the FEIR include a mitigation commitment by the proponent to provide public access to the 100-acre Blood property (recently acquired by the proponent). The project will require an Act of the State Legislature to approve the proposed change in use of Article 97 land.

Agricultural Soils

As described in the FEIR, the project will result in alteration of 12,200 sf of prime or state-important agricultural soils. The proponent has proposed, as mitigation, a restriction on the 100-acre Blood property that will allow the Bloods to continue haying on the property and preserve over twenty acres of agricultural soils under permanent protection.

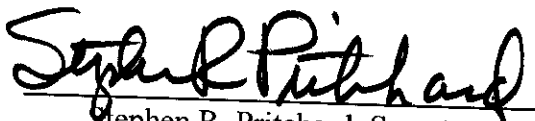
Mitigation and Section 61 findings

The FEIR included a description of mitigation measures to which the proponent has committed and draft Section 61 findings. The state agencies should forward copies of their final Section 61 Findings to the MEPA Office for completion of the project file.

Based on a review of the FEIR, consultation with public agencies, and a review of the comment letters provided on the project, I hereby find that the FEIR adequately and properly complies with MEPA and its implementing regulations. The project may proceed to state permitting.

January 27, 2006

DATE


Stephen R. Pritchard, Secretary

Comments Received

1/11/06	Department of Environmental Protection, Central Regional Office
1/13/06	Massachusetts Riverways Program
1/20/06	Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program

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