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April 20, 2007

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
 ON THE
 SUPPLEMENTAL DRAFT ENVIRONMENTAL IMPACT REPORT

PROJECT NAME : Aberjona River Flood Control Program
 PROJECT MUNICIPALITY : Winchester
 PROJECT WATERSHED : Mystic River
 EOE NUMBER : 13046
 PROJECT PROPONENT : Town of Winchester
 DATE NOTICED IN MONITOR : February 20, 2007

As Secretary of Energy and Environmental Affairs (EOEEA), I hereby determine that the Supplemental Draft Environmental Impact Report (SDEIR) 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). The proponent may submit the Final EIR for MEPA review.

Project Description

Low-lying areas adjacent to the Aberjona River in Winchester have been subject to flooding throughout history. This flooding has been exacerbated by an increase in stormwater flows resulting from development (upstream and within Winchester) over the past 20 to 30 years and a number of structures that restrict the River's flow, including dams, culverts and siphon chambers. The Town of Winchester estimates that 5 storms in the past 10 years have caused approximately \$20 million in flood damage. The goal of this project is to minimize economic losses from damaging floods by eliminating constrictions and undertaking projects to improve flow and capacity



The Aberjona River source waters begin in Reading and flow southward through Woburn and Winchester. It drains approximately 27.5 square miles of urban land. Horn Pond Brook is its largest tributary and its water level is controlled by Scalley dam. Farther downstream, it flows into the Upper Mystic Lake, where its level is controlled by a series of 6 spillways owned and operated by the Department of Conservation and Recreation (DCR). The Aberjona River is classified among the most polluted water bodies in the state and is considered a High Stress basin by the Water Resources Commission (WRC). Pollution sources include unionized ammonia, nutrient enrichment and low dissolved oxygen and pathogens. Within Winchester, the watershed is generally 20-40 feet wide and ranges from wide, flat natural areas to constricted flow through culverts. During normal, dry-weather flow, the typical depth in the river is 1 to 3 feet and less than one foot in the flattest part of the River. The flow of the river is lower upstream (about .5 feet per second (fps)) and higher downstream (about 1 fps in some locations).

The SDEIR presents a program of 10 flood improvement projects. The projects consist of a range of structural solutions including widening and deepening the river channel and replacing bridge spans and installing and/or replacing culverts to facilitate water flow. Projects 3, 5, 12 and 13, described below, have been completed or partially completed and are included in the baseline modeling. Since the filing of the ENF, five of the previously proposed widening projects and Project #15 Davidson Park Upstream were eliminated. Except where noted, the Town of Winchester is the project proponent. The SDEIR indicates that proposed projects should be constructed from downstream to upstream to minimize impacts.

#1 Wedgemere Train Station: Widening of the channel from 19 feet to 30 feet by relocating a Massachusetts Water Resources Authority (MWRA) siphon. The project will be funded and constructed by the MWRA.

#2 Waterfield Road to Bacon Street: Widening and deepening of the channel to a uniform 39-ft bottom width (from the current 10 to 20 ft width) for 1,210 linear feet from Waterfield Road to Manchester Road. The U.S. Army Corps of Engineers (ACOE) will design and permit this project for the Town and is evaluating design alternatives. The project has been revised to eliminate widening, and associated wetland impacts, from Manchester Road to Bacon Street. The design will include a low-flow channel and bank restoration.

#3 Center Falls Dam: Replacement of two existing 30-inch gate valves and discharges located on either side of the Center Falls Dam with 5-foot by 5-foot butterfly gates and 4-foot by 6-foot discharge boxes. This project was permitted in 2002, prior to the filing of the ENF, and one valve has been replaced.

#4 Mount Vernon Street Bridge Improvements: Installation of a 9-foot by 12-foot by-pass culvert within the riverbank to improve flow without changes to the structure of the historic bridge.

#5 Shore Road: Addition of an 8-foot by 4-foot culvert adjacent to existing 6-foot by 15-foot culverts to reduce constrictions. This project was completed in 2002 prior to the filing of the ENF.

#6 High School Playing Field: Installation of an additional 7-foot by 15-foot box culvert beneath the playing fields.

#8 Swanton Street Bridge Improvement: Expansion of the existing 10-foot by 16-foot bridge opening to a 10-foot by 25-foot opening either by rebuilding the structure or constructing a parallel culvert.

#10 Railroad Bridge Near Muraco School: Installation of two 7-foot diameter conduits under the MBTA railroad to supplement the exiting 6.5-foot by 7-foot bridge openings.

#12 Dam Upstream of Railroad Bridge Near Muraco School: Removal of the dam. This was completed in 2002 prior to the filing of the ENF.

#13 Cross Street Culvert: Installation of a 5-foot by 12-foot supplemental box culvert.

The SDEIR indicates that the projects, without adequate mitigation, would increase the 100-year flood elevation by .2 feet in the Lower Mystic and Alewife Brook over existing conditions. Such an increase is likely to have significant impacts on the extent of the floodplain. The SDEIR identifies four off-site projects that can mitigate the impacts of this flood control project and address existing flooding problems along the Mystic River and Alewife Brook. These include: a doubling in size of the spillway of the Scalley Dam (owned by the City of Woburn), to manage peak flows more effectively and prevent overtopping; removal of constrictions at Craddock Locks (Main Street Bridge) in Medford, which is owned by the Department of Conservation and Recreation (DCR) and the City of Medford; redesign of the outlet structure at the Mystic Lakes Mid-Lakes Dam (replacement of existing stop log bays with two 7x6 foot sluice gates and incorporation of a fish ladder), owned by DCR; and operational changes to pumping at the Amelia Earhart Dam, also owned and operated by DCR. Based on modeling presented in the SDEIR, implementation of the project and proposed mitigation could reduce flood stages along Alewife Brook below existing conditions.

The project, as proposed, will alter approximately 1,000 sf of bordering vegetated wetlands (BVW), 1,720 sf of inland bank, 87,720 sf of land under water (LUW), and 21,500 sf of riverfront area. The alteration of BVW is entirely associated with Project #2. In addition, Project #2 is located entirely within land owned by DCR adjacent to the Mystic Valley Parkway which is listed on the National Register of Historic Places. The widening of the channel will result in a change in use and physical control to Article 97 parkland owned by the Commonwealth.

Permits and Jurisdiction

The project is undergoing MEPA review and requires the preparation of an EIR pursuant to Section 11.03 (3)(a)(1)(a) and 11.03 (3)(a)(2) because it requires a state permit and it may require a variance in accordance with the Wetlands Protection Act (WPA). The project requires a 401 Water Quality Certification from the Department of Environmental Protection (DEP), Access Permits from DCR, disposition or a change in use of parkland in accordance with Article 97, and 8M permits from the Massachusetts Water Resources Authority (MWRA). A Section 404 permit is required under the Federal Clean Water Act (CWA) from the ACOE. Also, it

requires an Order of Conditions from the Winchester Conservation Commission (and a Superseding Order of Conditions from DEP if the Order is appealed) and a variance under the Wetlands Protection Act (WPA).

Because the project is funded, in part, by the state, MEPA jurisdiction extends to all aspects of the project that may cause significant Damage to the Environment including wetlands, water quality, drainage, dredging and dredged materials management, wildlife habitat, open space, historic resources and construction period impacts.

Procedural History

An ENF for this project was filed in May, 2003. The ENF proposed 17 flood improvement projects including five projects that would widen the river channel to 30 to 40 feet. Also, the proponent requested a Phase I waiver for three of the proposed projects (4, 13 and 17) which, if granted, would have allowed Phase I of the project to proceed prior to preparing the EIR for the entire project. A Certificate was issued on June 30, 2003 detailing the Scope for the EIR and denying the waiver request.

In November, 2003, the proponent filed a Notice of Project Change (NPC) requesting a Phase I waiver for a single project (13). The NPC provided additional analysis of potential impacts and mitigation. The Secretary's Certificate on the NPC was issued on February 23, 2004 and a Final Record of Decision (FROD) was issued on March 26, 2004 allowing Phase I to proceed prior to the filing of the DEIR.

In February, 2006, the proponent filed the Draft EIR. The proponent was required to develop the SDEIR to address insufficient information regarding wetland impacts, Article 97 impacts, stormwater management and dredging.

Review of the SDEIR

The SDEIR provides an improved understanding of the proposed project, its benefits and its environmental impacts. It provides an updated project description and identifies the permits and approvals required for each individual project. The SDEIR includes an assessment of existing conditions including: topography, geography and soils; wetland resource areas; sediments; water quality; rare species and wildlife habitat; open space and recreational resources; and historic and archaeological resources. It identifies environmental impacts and describes efforts to significantly reduce wetlands and dredging impacts and an increased commitment by the Town of Winchester to evaluate and implement flood storage projects and stormwater management to ensure that the benefits provided by the flood reduction project are not eroded over time.

The hydrologic/hydraulic model for the entire Mystic River Basin has been refined based on comments and ongoing peer review conducted by an independent consultant for the Federal Emergency Management Agency (FEMA). A model verification run was performed for the May 2006 storm event and was calibrated to the USGS Alewife gauge. With the exception of the observed and simulated discharge at Alewife Brook, it appears that model predictions closely match observations. The SDEIR indicates that FEMA, using this model as a basis, will distribute

a flood study report and maps illustrating the revised floodplain for public review in May or June of 2007. While the model may require further refinement, it appears that it can be used with reasonable confidence to assess the relative impacts of project alternatives and identify the need for and effectiveness of mitigation measures.

The SDEIR includes additional analysis of project alternatives, provides maps illustrating the impacts on Winchester's floodplain for the 50-year and 100-year storm and characterizes the effects of predicted floodplains on the community based on a Level of Service (LOS) analysis (similar to that used for traffic analysis) for buildings, roadways and channels. For the LOS analysis, LOS C is considered acceptable while LOS F represents a poor LOS or where flooding is predicted for all design storms considered. Of the 50 locations studied, 22 (44%) were identified as LOS D or F, 10 (20%) were identified as LOS C and 19 (36%) were identified as LOS A.

As required, the following alternatives were analyzed: 1. No Action (Existing Conditions); 2. Upstream Watershed Management; 3. Complete 100-year Flow Conveyance; 4. Aberjona River Conveyance Improvement (ENF Alternative); 5. Modified Aberjona River Conveyance Improvement (DEIR Alternative); 6. BMP Alternative; 7. SDEIR Alternative; 7a. SDEIR without Project #2; 7b. SDEIR without Upstream and Downstream Mitigation; 7c. SDEIR Alternative without Scalley Dam; and 7d. SDEIR Alternative with and without Winchester BMPs. The SDEIR Alternative, which includes the suite of flood control projects, modifications to Scalley Dam, removal of constrictions at Craddock's Locks, re-design of the Upper Mystic Lakes Dam planned by DCR, operational changes at the Amelia Earhart Dam and stormwater BMPs, is identified as the Preferred Alternative.

The modeling clearly identifies the benefits of various alternatives and identifies the effectiveness of mitigations strategies. It indicates that the SDEIR Alternative will provide equivalent benefits to the DEIR Alternative in terms of reducing the effects of predicted floodplains while significantly reducing environmental impacts. Implementation of the Preferred Alternative will decrease the locations identified as LOS D or F from 22 to 13 (44% to 26%) and of the 13 elements, 10 elements will improve from an F to a D. It indicates that a watershed wide BMP Alternative alone would not effectively address flooding impacts and would not eliminate or reduce the need for the proposed structural improvements. The BMP Alternative would decrease the elements identified as F or D from 22 to 20 (44% to 40%) and of the 20 elements, only 1 element would improve from an F to a D. It indicates that the SDEIR Alternative without Project #2 would decrease the number of substandard elements from 22 to 16 (44% to 32%) and of those 16 elements, only 6 elements improve from an F to a D. Compared to the Preferred Alternative that provides a to a 1.5 foot decrease in the 100-year floodplain in downtown Winchester, it would provide a .5 foot decrease.

The modeling indicates that without the upstream and downstream mitigation projects, flood elevations would increase in the lower Mystic and Alewife Brook by at least .2 feet over existing conditions and floodplain benefits within Winchester are reduced compared to Alternative 7. It would decrease the number of substandard elements from 22 to 15 and of those 15, 10 will improve from an F to a D. It shows that the Scalley Dam project can reduce flood stages along the Aberjona downstream of the confluence with Horn Pond Brook by .3 feet in the 100-year flood and can reduce flood stages within Horn Pond Brook by approximately 0 to 1

foot. The SDEIR indicates that the proponent is committed to implementing the Scalley Dam project, in coordination with the City of Woburn.

The modeling demonstrates that the Craddocks Locks is a source of backwater flooding on the Alewife. Removal of the steel gate mechanisms would decrease the backwater effect and allow flows to enter the portion of the Mystic River which is regulated by the pumps at the Amelia Earhart Dam to decrease flooding to levels below existing conditions. The SDEIR indicates that this project must be paired with operational changes at the Amelia Earhart Dam to avoid increased flooding in reach downstream of the Craddocks Locks. Model results also indicate that, while not necessary to directly mitigate impacts of the Preferred Alternative, the addition of a fourth pump (three operating and one in reserve) at the Amelia Earhart Dam could significantly decrease elevations for a 100-year storm in this reach.

The SDEIR identifies several preliminary designs for Project 2 that have emerged from the US Army Corps of Engineers (ACOE) Feasibility Study for the channel-widening project and indicates that the downstream reach (from Manchester Road to Bacon Street) associated with the 11,000 sf of BVW alteration has been eliminated from the project. The SDEIR describes wetlands resources impacts for the overall project and each project element and identifies wetland resource areas on a reasonably scaled plan. The SDEIR includes an assessment of the project's impact on water quality and low flow conditions and a commitment to incorporate a low flow channel (20-foot wide by 2 feet deep) into the project. It has eliminated the BVW alteration associated with Project #2 and, therefore, did not discuss how the project meets the requirements for a variance of the Wetlands Protection Act.

The Certificate on the DEIR indicated that any approvals for this project from EOEEA or its agencies would be predicated on the Town's commitment to minimize impacts and take all necessary steps to reduce existing stormwater flows and ensure that benefits provided by these improvements are not eroded by increased stormwater flows associated with future development. Accordingly, the SDEIR demonstrates that the Town understands that the long-term success of the proposed flood mitigation program outlined in this SDEIR is dependent upon the Town implementing programs to improve stormwater management for new and redevelopment projects and reduce existing flows. The SDEIR provides additional information regarding commitments to and alternatives for improved stormwater management and flood storage. It includes a copy of the Town of Winchester's Stormwater Management Plan in compliance with Phase II of the National Pollutant Discharge Elimination System (NPDES) Program and includes a revised water and sewer regulation proposed for adoption by the Town to reduce and manage stormwater flows from development and redevelopment projects.

The removal of the downstream section of Project #2 will reduce the amount of dredging from 32,000 cf to 16,000 cf. The SDEIR provides general information regarding dredging and dredged materials management. It indicates that dredging will be conducted in the dry and that a mechanical dredging process will be used because of the narrow channel width, shallow depth and hard substrate.

As required, the SDEIR describes and provides plans showing the location of all MWRA structures that may be affected by the project and reflects efforts to minimize impacts. The preliminary preferred alternative for Project #2 avoids work within the western bank of the River

(where MWRA sewer infrastructure is located closer to the River) to further minimize conflicts with and impacts to sewer lines.

The SDEIR provides additional information on impacts to open space and DCR land; however it does not address the permanent loss of Article 97 land or identify how the project is consistent with the EOEEA Article 97 policy. The proponent asserts that the project is not subject to Article 97. The DEIR includes a detailed assessment of historic and archaeological sites that could be affected by the project including an assessment of impacts for the Winchester Center Historic District (Mt Vernon Street Bridge and the Kelleway Landscape between Mount Vernon Street and Main Street), the remainder of the Kelleway Landscape that generally follows the Aberjona River and the Mystic Valley Parkway.

Based on a review of the SDEIR, consultation with public agencies and a review of the comment letters, I am satisfied that outstanding issues can be addressed in the Final EIR; however, to facilitate a better understanding of the project and its environmental impacts, the Final EIR should not be filed until the ACOE has selected a Preferred Alternative for Project # 2. In addition, the Final EIR should be filed after FEMA has distributed the revised floodplain maps to downstream communities unless significant delays to this distribution ensue. I stress that analysis of Article 97 impacts and consistency of the project with the Article 97 Policy is a critical element of the FEIR and a failure to address it substantively would likely extend the review period for this project.

As many commenters continue to note, Winchester is one of many communities within the Mystic River Basin that is suffering the impacts of flooding, and responsibility for addressing these impacts is the responsibility of each community and the state, to the extent that state infrastructure and/or operations may contribute to the impacts under existing conditions and potential benefits of proposed mitigation. As demonstrated by information provided in the DEIR and SDEIR, a concerted and coordinated effort to address flooding within this watershed could provide significant relief. As Winchester develops further information about the preferred alternative and proposed mitigation, as directed by the following Scope, DCR should work with Winchester and other affected communities so Winchester can achieve a coordinated approach to proposed or required modifications to DCR infrastructure and/or operations related to the project.

SCOPE for the FINAL EIR

The SDEIR should follow Section 11.07 of the MEPA regulations for outline and content, as modified by this scope.

Project Description

The SDEIR should include an updated and complete discussion of how the project will meet the requirements and performance standards of each state permit required.

Alternatives Analysis

The City of Cambridge, Arlington Conservation Commission, Winchester Conservation Commission, ABC Flooding Board and Steve Kaiser continue to express concern with the downstream impacts of the project, the proponent's commitment to identified mitigation, and validity of the model. DCR comments state that all identified mitigation projects, including the addition of a fourth pump at the Amelia Earhart Dam, should be completed prior to construction of the project. I note that the modeling demonstrates that adequate mitigation can be achieved through operational changes at Amelia Earhart Dam; however, I agree that additional information is needed regarding Winchester's specific mitigation commitments and the scheduling and commitment of mitigation that will be implemented by DCR and/or MassHighway.

As noted previously, the modeling used to evaluate alternatives has been revised based on comments on the DEIR and the peer review process. The Final EIR should address comments on the accuracy of the model. To the extent that ongoing peer review results in changes, these should be reflected in the modeling used in the FEIR and for project permitting. To the extent that any changes identify the need for additional mitigation, the proponent should identify projects that can effectively mitigate the impact. The proponent should consult with MassDEP and DCR regarding the model prior to the filing of the FEIR to identify any outstanding issues regarding its accuracy and effectiveness as a tool for evaluating the impacts of this project and proposed mitigation.

While the revised modeling continues to demonstrate that impacts associated with the Preferred Alternative can be mitigated, it underscores the importance of the mitigation projects to increase its overall effectiveness and adequately address downstream impacts, including Scalley Dam, Mystic Lake Mid-Lakes Dam, Craddock Locks and operational changes at the Amelia Earhart Dam; however, I agree additiona The Final EIR must provide more concrete commitments to mitigation and, where Winchester is not the project proponent, provide a level of confidence that the mitigation will occur prior to construction of the proposed improvements. The Final EIR should include confirmation from DCR regarding funding, design and scheduling of the Mystic Lakes project and indicate that it will support and can implement the operational changes required at the Amelia Earhart Dam. Also, it should include confirmation from the Massachusetts Highway Department (MassHighway) and the City of Medford regarding the funding, design and schedule for the Craddock Locks improvements. The Final EIR should include confirmation from MassHighway and/or City of Medford regarding the feasibility of removing the constrictions at Craddocks Locks separate from reconstruction of the bridge. In addition, the Town should make a commitment to fund its fair share of the Craddock Locks project to support its implementation.

The SDEIR indicates that Projects 4, 8, and 10 may be studied further to determine whether they can proceed prior to downstream projects, without causing flooding. The Final EIR should provide the results of this analysis.

The SDEIR indicates that increase in peak velocities associated with the Preferred Alternative will change but are primarily depositional consistent with current conditions. It indicates that large scale scouring is not anticipated, although increases in velocities at bridges may require mitigation. DCR has requested additional information regarding flow velocities at

the Mystic River Bridge and MassDEP has indicated that alternatives to proposed armoring at bridge locations be considered (e.g. in-stream structures such as cross-vanes and J-hooks).

Wetlands/Variance Requirement

The SDEIR presents a significant reduction in impacts to BVW (from 11,000 to approximately 1,000) associated with the revision of Project #2. This change will preserve more of the vegetated, riparian buffer habitat and the mature tree and shrub canopy in this area. Where widening is proposed, Project #2 will include rebuilding and re-vegetating the bank. Although alterations have been reduced, DCR, MassDEP, MRWA and other commentors remain concerned with the removal of bank and mature upland vegetation and trees associated with the riverine habitat. Its removal could impact water quality in this stressed basin through increased water temperatures.

MassDEP comments indicate that the project may still require a variance based on impacts to riverfront area. The Wetlands Protection Act regulations provide that within 200-foot riverfront areas, issuing authorities may allow up to 5,000 square feet of alteration or 10 percent of the riverfront area within the lot, whichever is greater. The proponent should prepare an analysis indicating whether the riverfront area threshold of 5,000 square feet or 10 percent disturbance of the riverfront area within a lot is exceeded to determine whether a Variance is required, and should consult with MassDEP regarding its findings prior to the filing of the FEIR. A variance may be permitted if it is demonstrated that: 1) the project serves an overriding public purpose, 2) there are no feasible alternatives to the project that would meet the regulatory standards, and 3) that the project design incorporates maximum feasible mitigation for any impacts found unavoidable. If a variance is required, the SDEIR must address the project's consistency with these criteria.

MassDEP notes that additional information is required regarding the design of the low-flow channel and the design of wildlife habitat improvements to ensure that they adequately promote wildlife habitat, including fish passage. The Final EIR should include commitments to time-of-year restrictions on construction to avoid impacting the spawning of herring (once the Mid-Lakes Dam improvements are implemented. Finally, the Final EIR should address any change in wetlands jurisdiction resulting from the widening of the river and therefore the riverfront area and address whether the Town will make commitments to acquire and preserve the area that will be redefined as BLSF to ensure that new construction is not allowed within BLSF and that no new stormwater discharges to the River will be proposed.

Stormwater/Water Quality Improvements

The SDEIR presents progress by Winchester in planning and implementing stormwater controls. The SDEIR indicates that the Town has revised its water and sewer regulation to apply Standards 2, 3, 4 and 7 of the Massachusetts Stormwater Policy to new and redevelopment projects and includes a prohibition on increases in post-development runoff volume. In addition, the Town is introducing a rain barrel program to offer the sale of rain barrels to residents at reduced rates. The SDEIR describes ongoing infrastructure projects and other opportunities for increasing flood storage and protected open space. These changes could provide increased

recharge to the River to augment low-flows and attenuate peak flows during more frequent events.

The SDEIR indicates that approximately 90 acre-feet of flood storage could be incorporated into the project. The Kraft Foods, West Side Field and Winter Pond appear to be effective and feasible projects. In addition, the SDEIR identifies a potential development parcel, the Marotta Property, that abuts the Aberjona River and is partially located within the floodplain. I urge the Town to work diligently towards implementation of the potential flood storage projects and to reconsider how existing undeveloped land, such as the Marotta Property, could be acquired for permanent protection. **The SDEIR should assess the potential for flood storage and infiltration associated with these sites and consider implementation of these projects as mitigation commitments.**

Dredging and Dredged Material Management

The project involves the dredging of approximately 16,000 cy of material associated with Project #2, #4, #6, #8 and #10. The SDEIR indicates that dredging is proposed to take place in the dry for all projects and indicates that projects will comply with the Massachusetts Surface Water Quality Standards (310 CMR 4.00). MassDEP comments indicate that more detailed information regarding the project's consistency with the revised 401 Water Quality Certification regulations for dredging (314 CMR 9.00) is necessary to determine whether the projects will be permissible. The Final EIR should identify the Preferred Alternative associated with Project #2 at which time more specific information regarding dredging techniques and materials management can be developed.

Open Space/Article 97 Land

As noted in previous Certificates, the project, as currently proposed, would remove and permanently change the use of DCR parkland, which is protected by Article 97 of the Amendments to the State Constitution. DCR comments indicate that the land was acquired for parkland and parkway purposes, not for flood control purposes and the conveyance of an easement for this purpose would result in a change of use and physical control to Article 97 parkland owned by the Commonwealth. Before such an impact on public open space can be considered, the proponent demonstrate that no other alternative with less environmental impact is feasible, and that any impacts found unavoidable receive maximum feasible mitigation. The SDEIR identifies impacts to protected parkland but it does not adequately address how these impacts will be avoided, minimized and mitigated consistent with the EOEA Article 97 Land Disposition Policy. This analysis is critical to the ability to determine whether or not this project adequately avoids, minimizes and mitigates Damage to the Environment and failure to include this analysis could render the Final EIR inadequate.

The Town must identify and assess the feasibility of compensatory open space land and/or parkland in Winchester (at a 1:1 basis, at a minimum, of replacement land to converted land) that could be permanently protected. The Final EIR should provide a detailed description of the land area(s) and/or projects proposed as Article 97 compensation and should also discuss the value of the land in terms of the resources they provide and the opportunities for active and/or passive recreation they afford. Compensatory mitigation for previous projects reviewed

by MEPA has been at a higher than 1:1 basis (and as high as 7:1). DCR also notes that the proponent should indicate whether conveyance of an easement or the fee interest is the appropriate vehicle for the project.

DCR comments indicate interest in the proposed public access improvements. DCR has requested additional information regarding these improvements including maintenance responsibilities and design details. Comments from the Winchester Historical Commission note that the proponent has identified funding for a tri-town bikeway that will enhance recreational opportunities along the Aberjona River. The Final EIR should provide additional information on the proposed bikeway and identify any other park enhancements that will be incorporated into this project. The proponent should consult with DCR after developing baseline Article 97 materials including conceptual plans of potential mitigation.

Historic and Archaeological Resources

The Winchester Historical Commission comments note the proponent's efforts to consult and coordinate with the Commission prior to the filing of the SDEIR and indicate that the SDEIR addresses the Commission's requests for detailed descriptions and analysis of project impacts for the Winchester Center Historic District (Mt Vernon Street Bridge and the Kelleway Landscape between Mount Vernon Street and Main Street), the remainder of the Kelleway Landscape that generally follows the Aberjona River and the Mystic Valley Parkway. In addition, these comments identify outstanding issues that should be addressed in the FEIR, including design details for the Mount Vernon Street Bridge and the design of the path associated with Project #2.

Consistent with DCR comments, the Final EIR should address how the proposed alterations are consistent with the EOEEA Historic Parkway Guidelines and include the results of the Intensive (Locational) Archaeological Survey for the **areas that may contain intact** archaeological resources.

These comments should be addressed in the Final EIR.

Construction Period Impacts

The SDEIR indicates that the proponent will work with DCR and the MassHighway to coordinate construction management for work adjacent to the Mystic Valley Parkway, Route 16 and Route 38. The SDEIR indicates that the proponent will require contractors to participate in DEP's Clean Construction Equipment Initiative, consisting of an EPA certified engine retrofit equipment and/or use of low sulfur fuel to reduce exposure to diesel exhaust fumes and particulate emissions during construction. The Final EIR should indicate what specific requirements contractors will be required to meet.

Mitigation

The Final EIR should include a summary of all mitigation measures to which the proponent has committed, including mitigation for construction period impacts. The Final EIR should also include Draft Section 61 Findings for use by the state permitting agencies.

Response to Comments

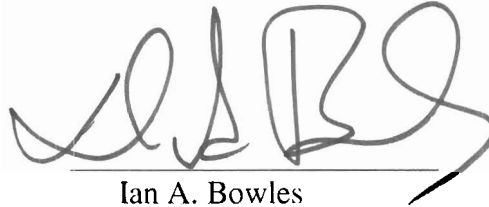
The Final EIR should include a copy of this Certificate and of each comment received. It should provide additional technical analysis as necessary to address issues raised in the comment letters. The proponent should address the comments to the extent that they are within MEPA jurisdiction.

Circulation

The proponent should circulate the Final EIR to those who commented on the SDEIR, and to any state agencies from which the proponent will potentially seek permits or approvals. A copy should be provided to the Conservation Commissions in Medford, Arlington and Cambridge. A copy should be provided to the public library in Winchester, Medford, Arlington and Cambridge.

April 20, 2007

Date



Ian A. Bowles

Comments received:

4/10/07	Department of Conservation and Recreation
4/6/07	Department of Environmental Protection/Northeast Regional Office (DEP/NERO)
3/23/07	Massachusetts Water Resources Authority (MWRA)
4/6/07	Senator Patricia D. Jehlen
4/6/07	Town of Arlington/Board of Selectmen
4/5/07	Town of Arlington/Conservation Commission
4/5/07	City of Cambridge/Executive Department
4/5/07	Town of Winchester/Planning Board
3/19/07	Town of Winchester/Conservation Commission
4/5/07	Town of Winchester/Historical Commission
4/6/07	ABC Flooding Board
4/6/07	Mystic River Watershed Association
3/9/07	Water Supply Citizens Advisory Committee (WSCAC)/Massachusetts Association of Conservation Commissions (MACC)
3/14/07	Henry J. Curtis, Jr.
4/6/07	Stephen H. Kaiser
3/17/07	Ellen Knight
3/13/07	Jean M. Marrone

3/9/07	John and Gay Mohrbacher
3/22/07	George Murphy
3/19/07	Robert C. Pasciuto
3/14/07	Anthony Perrotta
3/21/07	John F. Shawcross
3/13/07	Paul J. Welliver

IAB/CDB/cdb