



# The Commonwealth of Massachusetts

Executive Office of Environmental Affairs

100 Cambridge Street, Suite 900

Boston, MA 02114-2524

MITT ROMNEY  
GOVERNOR

KERRY HEALEY  
LIEUTENANT GOVERNOR

STEPHEN R. PRITCHARD  
SECRETARY

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

April 28, 2006

## CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS ON THE DRAFT ENVIRONMENTAL IMPACT REPORT

PROJECT NAME : Aberjona River Flood Control Program  
PROJECT MUNICIPALITY : Winchester  
PROJECT WATERSHED : Mystic River  
EOEA NUMBER : 13046  
PROJECT PROPONENT : Town of Winchester  
DATE NOTICED IN MONITOR : February 22, 2006

As Secretary of Environmental Affairs, I hereby determine that the Draft Environmental Impact Report (DEIR) submitted on this project **does not adequately and properly comply** with the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H) and with its implementing regulations (301 CMR 11.00). Therefore, I am requiring that the proponent submit a Supplemental Draft Environmental Impact Report (SDEIR) to respond to the issues identified in this Certificate.

While many issues must be addressed in the SDEIR, I want to acknowledge the community's progress on identifying and addressing the downstream impacts of the proposed project. During the development of the DEIR, the Town of Winchester has provided opportunities for downstream communities and other stakeholders to provide input on this project and its analysis. The analysis includes a completely updated and revised hydrologic/hydraulic model of the Mystic River Basin. While I recognize that the introduction of this new model that is still undergoing peer review introduces uncertainties, I believe its use is a genuine attempt to provide up-to-date, accurate information about existing conditions and the impacts of this proposal on downstream communities. In addition, I recognize that Winchester is one of many communities within the Mystic River Basin that is suffering from the impacts of flooding and that there is a role for each community and for state agencies to play in addressing

this problem in a comprehensive way. As demonstrated by information provided in the DEIR, a concerted and coordinated effort to address flooding within this watershed could provide significant relief. I am directing the Department of Conservation and Recreation (DCR) to work with the Town of Winchester and other communities to achieve the required cooperation and coordination necessary for basin-wide flood management efforts.

### 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 constrain the River's flow, including dams, culverts and siphon chambers. The Town of Winchester estimates that 4 storms in the past 10 years have caused approximately \$16 million in flood damage. 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, enrichment and low dissolved oxygen and pathogens.

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). 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 DEIR presents a list of 11 flood improvement projects. The projects consist of a range of structural solutions including widening and deepening the river channel to replacing bridge spans and installing and/or replacing culverts to facilitate water flow. Projects 3, 5, 12 and 13 have been completed or partially completed and are included in the baseline modeling. It eliminates five of the widening projects presented in the ENF. Except where noted, the Town of Winchester is the project proponent.

#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 Wedgemere Train Station: Widening and deepening of the channel to a uniform 40 ft bottom-width (from the current 10 to 20 ft width) for more than ½ mile. The Preferred Alternative extends the widening 580 feet (from Bacon Street to Wedgemere) from that included in the ENF. The U.S. Army Corps of Engineers (ACOE) will design and permit this project for the Town.

#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 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 existing 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. This project was granted a Phase I waiver and it was completed in 2005.

#15 Davidson Park Upstream: Remove remnants of the dam at the upstream end of the pond at Davidson Park.

The DEIR indicates that the projects, without mitigation, would increase the 100-year flood elevation along Alewife Brook by .24 feet. The Town has identified two projects that could mitigate this increase and actually reduce flood stages along Alewife Brook by .37 feet. The first project consists of modifications to the outlet structure (a doubling in size of the spillway) at the Scalley Dam to manage peak flows and prevent overtopping of the dam. This structure is owned by the City of Woburn. The second project is removal of the gates at the Craddock Locks (Main Street Bridge) in Medford, which is owned by the Department of Conservation and Recreation (DCR). The DEIR indicates that changes to Craddock Locks should be completed in concert with structural changes to the Mystic Lakes mid-lakes dam and operational changes to pumping at the Amelia Earhart Dam (also owned and operated by DCR). In addition, the proponent has indicated that the project and associated mitigation would be conducted from downstream to upstream to avoid impacts.

The project, as proposed, will alter approximately 11,000 sf of bordering vegetated wetlands (BVW), 7,530 sf of Inland Bank, 117,660 sf of Land Under Water (LUW), and 480 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 convert land held for natural resources purposes in accordance with Article 97 of the Amendments to the Constitution of the Commonwealth to a purpose not in accordance with Article 97.

### 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 will alter one or more acres of BVW and requires 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.

### Review of the DEIR

The DEIR included an assessment of existing conditions describing: 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. An updated hydrologic/hydraulic model for the entire Mystic River Basin was developed to analyze existing conditions and the impacts and benefits of alternatives. The model incorporates new topographic information, new hydrologic information and an unsteady state flow model that is intended to accurately predict flood elevations. This model indicates that flood elevations along

the Aberjona River are 2 to 4 feet higher than elevations used by the 1979 Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMs). The DEIR characterized 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. 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.

The DEIR analyzed the following alternatives: 1. No Action (Existing Conditions); 2. Upstream Watershed Management; 3. Complete 100-year Flow Conveyance; 4. Aberjona River Conveyance Improvement (ENF Alternative); and 5. Modified Aberjona River Conveyance Improvement (DEIR Alternative). These alternatives were analyzed using the model described above and improvements were characterized through the LOS analysis. The DEIR did not include analysis of a combination of best management practices for stormwater and structural improvements designed to minimize impacts as required by the ENF.

The modeling indicates that the Preferred Alternative, with mitigation, could reduce flood stages for Alewife Brook by .37 feet from baseline conditions for the 100-year flood. In terms of a reduction in flood impacts within Winchester, 22 elements designated as D or F would be reduced to 12 and, of these, 9 would improve from an F to a D. While the modeling demonstrates that impacts associated with the Preferred Alternative can be mitigated, this mitigation is not within the control of the Town because the structures are owned by others. The DEIR describes the Town's efforts to collaborate with the City of Woburn and DCR regarding these projects but does not identify concrete plans or identify funding for these improvements. Comments from the Town of Arlington and City of Cambridge, while acknowledging the significant progress made by Winchester and the importance of addressing its flooding problems, have stressed that the downstream mitigation must be completed prior to upstream improvements, questioned whether the benefits of improvements to Scalley Dam and Craddock Locks should be used primarily for mitigation for this project and expressed concern with the use of a new modeling approach that, while up to date, is still going through the peer review process and has not been accepted by FEMA.

The DEIR includes a section on stormwater management, provides 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 recommendations for adoption of a Water and Sewer Regulation to reduce and manage stormwater flows from construction, development and re-development. The DEIR does not include a schedule for adoption of the Water and Sewer regulation. In addition, the DEIR does not provide a copy of the Town's bylaw establishing a Floodplain District or describe its plans for purchasing floodplain land, which were referenced in the ENF. The report identifies a capital improvement program for increasing stormwater infiltration in Winchester. Five projects have been completed and an additional eight are planned. These projects will provide infiltration for approximately 4,380 cubic feet. In addition, the DEIR identifies opportunities for flood storage adjacent to the River, most of which would be effective during more frequent, less severe storms, but does not commit to flood storage as a mitigation measure. Commentors have noted the importance of reducing and managing existing and future stormwater flows to reduce the need for structural

improvements, for preventing erosion of benefits that may be provided by the structural improvements and for controlling water quality.

The DEIR describes wetlands resources impacts for the overall project and each project element; however, it does not provide proposed conditions maps that clearly illustrate impacts. It does not specifically address how Project #2, which will require a variance, meets the requirements of the Wetlands Protection Act. It broadly describes potential water quality impacts, notes that low flow may be an issue (and proposes to include a low flow channel for Project #2) but it does not provide an analysis of the effect of widening the river on water quality and low flow conditions or provide significant information on mitigation for this impact.

The DEIR provides a general overview of dredging associated with Project #2. It provides an estimate of the quantity of dredged materials and indicates that a mechanical dredging process will be used because of the narrow channel width, shallow depth and hard substrate. It describes potential dredging techniques (e.g. wet versus dry) and notes that areas for dewatering will be required. The DEIR does not indicate which techniques will be used for this project or where dewatering will take place. It does not indicate whether dredging on a smaller scale is associated with any of the other projects.

The DEIR indicates that rare species surveys were conducted that indicate that the project areas do not contain Spotted Turtle habitat. Additional information is not required on this issue.

As required, the DEIR describes and provides plans showing the location of all MWRA structures that may be affected by the project. The proponent has indicated where sewer pipes and other structures may require relocation or other mitigation.

The DEIR includes a detailed assessment of historic and archaeological sites that could be affected by the project. The Town of Winchester Historical Commission noted in its comments that the report, while extensive in some areas, did not assess impacts to the most significant historic resources that are most likely to be affected by the project including the Winchester Center Historic District (Mt Vernon Street Bridge and the Kelleway Landcape between Mount Vernon Street and Main Street) the remainder of the Kelleway Landscape that generally follows the Aberjona River and the Mystic Valley Parkway.

The DEIR provides a general description of impacts to open spaces and identifies most of the open spaces on maps; however, it does not provide proposed conditions plans that clearly demonstrate impacts on open spaces. Significant impacts to the Mystic Valley Parkway and associated parkland, including permanent loss of Article 97 land, are not addressed in any detail. The DEIR does not address how the project would be consistent with the Executive Office of Environmental Affairs' (EOEA) Article 97 policy.

The DEIR did not include specific commitments to mitigation by the Town of Winchester or draft Section 61 Findings for agency permits. This may be due, in part, to the fact that the projects are still in a conceptual stage of development; however, the development of mitigation is essential to the MEPA process and mitigation must be addressed in more detail in the SDEIR.

Based on a review of the DEIR, consultation with public agencies and a review of the comment letters, I am requiring the proponent to file an SDEIR to address the issues outlined in the Scope below.

### SCOPE

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 provide updates to the project description and individual projects, particularly for those with alternative designs under consideration (e.g. 2, 6 and 8). The SDEIR should expand on the permitting section and identify permits/approvals required for each individual project. The SDEIR should include a discussion of how the project will meet the requirements and performance standards of each state permit. The SDEIR should specifically address how the project complies with the requirements of several federal, state and local measures related to floodplain development, including that the proposed project will not contribute to any increase in flood stage or velocity during the 100-year flood and the National Flood Insurance Program (NFIP) regulations requirement that work within the floodway will not increase flood levels during the occurrence of the 100-year flood discharge.

#### Alternatives Analysis

An alternative that includes a combination of BMP's for stormwater and structural improvements that minimize environmental impacts should be analyzed, for its impact on the floodplain levels as well as predicted impacts to LOS. This alternative should not include Project #2. In addition, for comparative purposes, the SDEIR should provide the analysis of the Preferred Alternative without proposed mitigation (Scalley Dam and Craddock Locks) both for changes to floodplain levels and predicted impacts to LOS.

The City of Cambridge, Arlington Conservation Commission, Winchester Conservation Commission, ABC Flooding Board, Mystic River Watershed Association, and Steve Kaiser provided comments on a number of issues related to the model used for this analysis, some of which were quite detailed and thoughtful. The SDEIR should respond to these comments, and provide additional detailed information on the technical basis of the model and specific data used to develop it. The SDEIR should provide an update on peer review of the model and its approval by FEMA. To the extent that ongoing peer review results in changes, these should be reflected in the modeling used in the SDEIR.

The SDEIR should specifically address issues raised by DCR, DEP the Winchester Conservation Commission and others regarding the significance of increases in peak velocities and potential impacts. The analysis shows an increase in peak velocities associated with the Preferred Alternative but it does not include any discussion regarding whether these increases are consistent with regulatory standards or would contribute to erosion and scouring.

### Wetlands/Variance Requirement

Wetlands impacts were updated based on field assessments and photo interpretation. The project, as proposed, will alter approximately 11,000 sf of BVW, 7,530 sf of Inland Bank, 117,660 sf of LUW, and 480 sf of riverfront area. The alteration of BVW is entirely associated with Project #2, Waterfield Road to Wedgemere Train Station. The proponent has indicated that it intends to file Project #2 as a limited project designed to improve the natural capacity of a resource area. DEP has indicated that Project #2 does not meet the intent of the limited project category, and because the project does not meet the performance standards of the Wetlands Protection Act, it will require a variance. A variance may be allowed upon a finding 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. The SDEIR must address this criteria.

The ACOE is evaluating the feasibility and cost-effectiveness of Project #2 and has assumed responsibility for its analysis and design. I understand that the ACOE is considering alternatives that could minimize impacts to wetland resource areas and, possibly, avoid the need for a variance. The lower area of Project #2 provides a unique vegetated, riparian buffer habitat and a mature tree and shrub canopy that should be preserved. The SDEIR should include an analysis of alternatives for Project #2 that would minimize wetlands impacts.

The SDEIR should identify all wetland resource areas, including riverfront area, and buffer zones and delineate them on a reasonably scaled plan. The SDEIR should identify the significance of the resources, including value to flood control, storm damage prevention, pollution prevention, and fisheries and wildlife habitat. The SDEIR should provide an analysis of the project's impact on water quality and low flow conditions. It should include a commitment to mitigation to address these impacts. Where wetlands or habitat restoration is proposed, the extent and methodology for restoration should be fully described.

### Stormwater/Water Quality Improvements

The structural solutions presented in the DEIR, particularly Project #2, may have significant impacts on water quality, open space and historic resources. Any approvals from EOEA 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.

As noted previously, the Alternatives Analysis should include a hybrid alternative that includes a BMP approach with structural solutions. This analysis should include a commitment to measures identified in the DEIR to reduce existing and future stormwater flows including passage of a Water and Sewer regulation, an increase in infiltration capacity and development of a rain barrel program. It should explore how existing programs could be expanded and analyze other measures such as permanent protection of open space and disconnecting rooftop runoff. The SDEIR should provide a description of the Water and Sewer regulation and indicate whether it will apply a no post-development runoff volume standard for new development and require



reduction in runoff volumes for re-development sites through infiltration as recommended in the DEIR and supported by commentors, including DEP.

Also, it should address the specific requirements for Phase II relative to recharge of stormwater runoff as a High Stress basin and provide a plan and schedule for the adoption of the regulation. The DEIR should provide an analysis of the effect of these projects on water quality and low flow conditions and describe proposed mitigation that can address these impacts.

The ENF referenced the Winchester bylaw establishing a Floodplain District and plans for purchasing floodplain land. The SDEIR should provide a copy of the floodplain bylaw and describe plans for purchasing floodplain land as referenced in the ENF.

#### Dredging and Dredged Material Management and Disposal

The project involves the dredging of approximately 32,000 cubic yards (cy). DEP provided detailed comments on dredging that should be fully addressed in the SDEIR. This information is needed to assess whether Project #2 can be permitted. The SDEIR should indicate whether any dredging is associated with other projects, how dredging will be conducted, identify dewatering areas, describe how contaminated sediments will be identified and managed, including proposed testing and on-site treatment and techniques for segregating contaminated sediments. The SDEIR should identify landfills that could accept dredged material from the project. The SDEIR should indicate whether and how often maintenance dredging will be required.

Additional information on fish and wildlife should be presented in the SDEIR and will be required during project permitting. DEP has indicated that a wildlife habitat evaluation, in accordance with the *Massachusetts Wildlife Habitat Protection Guidance for Inland Wetlands*, should be provided. Also, a detailed analysis of existing habitat values and functions of the LUW and BVW and for proposed conditions are needed. The SDEIR should identify mitigation for any net loss of habitat functions and values and it should be commensurate with the impacts to aquatic biota and habitat.

#### MWRA Sewer Infrastructure

The SDEIR identifies the many MWRA structures, including siphon chambers and sewer lines, that could be affected by this project. Four sewer lines are located within the vicinity of Project #2 and, in several locations, are located within 10 feet of the riverbank. The proponent should coordinate with the MWRA regarding the project's impacts on these structures and the need for relocations or other mitigation measures and report on this coordination in the SDEIR. The proponent should be aware that the MWRA has indicated that any costs associated with moving or altering these structures will be borne by the project proponent. In addition, the proponent should consult with the MWRA regarding ongoing or planned efforts to remove extraneous flow (Inflow/Infiltration (I/I)) in this area and whether it would have an impact on stormwater flow in the area.

### Open Space/Article 97 Land

It is essential to review rigorously every proposed conversion of public parkland to other uses, lest decades of effort to enhance the Commonwealth's endowment of public open spaces be eroded. The project, as currently proposed, would remove and permanently eliminate (on both sides of the river) DCR parkland, which is protected by Article 97 of the Amendments to the State Constitution. Before such an impact on public open space can be considered, it is imperative that the proponent demonstrate that no other alternative with less environmental impact is feasible, and that any impacts found unavoidable receive maximum feasible mitigation. The proponent must clearly describe the impacts associated with eliminating protected parkland and explore how these impacts can be avoided, minimized and mitigated. The SDEIR should provide maps at a reasonable scale of existing and proposed conditions that clearly identify open space resources and ownership and the project's impact on these resources including permanent loss of open space, removal of mature vegetation, and impacts to pedestrian paths and bridges. The SDEIR should clearly demonstrate impacts to Article 97 lands owned by DCR and quantify the loss of parkland.

The SDEIR must describe the process for disposing and/or changing the use of parkland and describe how such a proposal would be consistent with EOEAs Article 97 Land Disposition Policy. If the Town chooses to pursue this alternative, it should identify 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 SDEIR should provide a detailed description of the land area(s) 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).

The project should identify whether improvements referenced in the ENF (e.g. inclusion of bike path project, parks enhancements) will be incorporated into this project and it should identify, at a conceptual level, proposed improvements.

### Historic and Cultural Resources

MHC and the Winchester Historical Commission provided detailed comments that should be fully addressed in the SDEIR to ensure that historic resources are clearly identified and adequate mitigation is developed to address them. As noted previously, the Town of Winchester Historical Commission has requested 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.

The Town of Winchester Historical Commission reiterated that the project offers significant opportunities to enhance historic resources although these issues are not yet addressed in any detail.

Construction Period Impacts

The SDEIR should provide additional detail on managing potential impacts associated with construction activities and propose feasible measures to avoid or eliminate these impacts. It should address whether the proponent will participate in DEP's Clean Construction Equipment Initiative, consisting of an engine retrofit program and/or use of low sulfur fuel to reduce exposure to diesel exhaust fumes and particulate emissions during construction.

Mitigation

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

The SDEIR should provide more detailed information on proposed mitigation at Scalley Dam, Craddock Locks, Mystic River Lakes and the Amelia Earhart Dam including status of design and costs of proposed changes. It should include correspondence from the owners/operators indicating support for the changes and identify funding sources for design and/or construction.

Response to Comments

The SDEIR should include a copy of this Certificate and of each comment received. The proponent should address the comments to the extent that they are within this scope. The Response to Comments should be more detailed than that provided in the DEIR, which simply referred to sections of the DEIR, some of which did not satisfactorily address the issues identified.

Circulation

The proponent should circulate the SDEIR to those who commented on the DEIR, 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 28, 2006

Date

  
Stephen R. Pritchard

## Comments received:

4/21/06 Department of Environmental Protection  
4/21/06 Department of Conservation and Recreation  
4/27/06 Department of Conservation and Recreation (second letter)  
3/21/06 Massachusetts Historical Commission  
4/18/06 Massachusetts Water Resources Authority  
3/23/06 Town of Winchester Conservation Commission  
4/20/06 Town of Winchester Conservation Commission (second letter)  
4/20/06 Town of Winchester Historical Commission  
4/20/06 Town of Arlington Conservation Commission  
3/22/06 Town of Arlington Board of Selectmen  
3/22/06 Diane M. Mahon, Selectman, Town of Arlington  
4/20/06 City of Cambridge  
4/20/06 ABC Flooding Board  
4/21/06 Mystic River Watershed Association  
4/21/06 Friends of Upper Mystic Lake  
3/20/06 David M. Cregger, P.E.  
4/11/06 Steve Kaiser  
3/21/06 Ellen Knight  
4/9/06 John F. Shawcross  
4/21/06 Jane C. Walsh

SRP/CDB/cdb