



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

Deval L. Patrick  
GOVERNOR

Timothy P. Murray  
LIEUTENANT GOVERNOR

Ian A. Bowles  
SECRETARY

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

August 7, 2009

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

PROJECT NAME : Little River Streambank Restoration Project at  
MassHighway District 2 Maintenance Facility No. 2  
PROJECT MUNICIPALITY : Westfield  
PROJECT WATERSHED : Westfield River  
EEA NUMBER : 14452  
PROJECT PROPONENT : MassHighway  
DATE NOTICED IN MONITOR : July 8, 2009

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62I) and Section 11.06 of the MEPA regulations (301 CMR 11.00), I hereby determine that this project **does not require** the preparation of an Environmental Impact Report (EIR).

Project Description

The proposed project as described in the Environmental Notification Form (ENF) consists of stabilizing 402 linear feet of bank along the Westfield River. The area proposed for restoration is located at the rear of the MassHighway District 2 facility at 219 East Main Street, Westfield. There has been substantial erosion along the riverbank, including erosion of some paved areas, and the MassHighway salt shed and other buildings are located close to the eroding riverbank. The purpose of the project is to stabilize the bank to avoid damage or loss of the on-site building, salt shed and parking area, and to prevent further input of sediment, salt and pollutants into the river. The project also includes repaving of an existing parking lot, which is located in Riverfront Area, and improvements to the existing stormwater management system.

The bank stabilization will be achieved using a combination of rip-rap and bioengineering vegetative slope techniques. The project will result in impacts to 48,418 square

feet (sf) of Riverfront Area, 402 linear feet of Bank (3,143 sf in total), 6,530 sf of Land Under Water, and 96 cubic yards of Bordering Land Subject to Flooding (BLSF).

### Permits and Jurisdiction

The proposed project is undergoing environmental review pursuant to Section 11.03(3)(b)(1)(f) of the MEPA regulations because it is being undertaken by a State Agency and will result in alteration of one half-acre or more of wetlands.

The project requires a 401 Water Quality Certification from the Massachusetts Department of Environmental Protection (MassDEP) and an Order of Conditions from the Westfield Conservation Commission (and, on appeal only, a Superseding Order from MassDEP). The project may require a Chapter 91 License from MassDEP. The project requires a Section 404 Programmatic General Permit (PGP II) from the U.S. Army Corps of Engineers.

The project is being undertaken and funded by the Massachusetts Highway Department (MassHighway). Therefore, MEPA jurisdiction is broad and extends to all aspects of the project that may cause Damage to the Environment as defined in the MEPA regulations.

### Review of the ENF

The ENF includes site plans showing existing and proposed conditions and a description of proposed project activities and alternative bank restoration methods. MassHighway considered the no-build alternative and three restoration alternatives, as well as site relocation. The no-build and site relocation alternatives would not address the problem of bank erosion. The vegetative alternative without rip-rap was considered suitable in the short-term but not in the long-term. A second restoration alternative using only rip-rap was also rejected as it would eliminate ecological and habitat value of the Bank. A third restoration alternative, which was selected as the preferred one, is a combination of rip-rap and bioengineering stabilization techniques.

MassHighway proposes use of rip-rap on the lower portion of the bank (some beneath the water line) and a variety of plantings and vegetated geogrids on the lower, middle and upper slopes of the bank. A cofferdam will be installed along the limit of work within Little River to facilitate restoration work. I note comments from the Division of Fisheries and Wildlife (DFW) recommending that the proponent explore restoration techniques that do not rely on use of rip-rap in the river to avoid any adverse impacts to coldwater fisheries resources. MassHighway should consult with the DFW Fisheries Program to discuss their comments. The DFW Natural Heritage and Endangered Species Program (NHESP) has determined that the project will not adversely affect the Resource Area Habitat of rare wildlife or result in a "Take" of a state-listed rare species. The proposed project appears to be outside or mostly outside mapped habitat for rare species. NHESP also recommends that MassHighway investigate softer bioengineered alternatives to extensive rip-rap. The site plans include a proposed chainlink fence along the riverbank which would present a barrier to wildlife movement. Unless security is a real problem in this area, MassHighway should modify site plans to remove this fence.

As noted in the comment letter from MassDEP, the Order of Conditions for the project appears to have approved work in 22,525 sf of Riverfront Area. However, MassHighway proposes 48,418 sf of Riverfront Area alteration. Impacts to additional resource areas should be permitted under a new Notice of Intent (NOI). I also remind the proponent that during the site visit it emerged that the entire existing paved area on the project site may not need to be impervious. It was suggested that only the area necessary for MassHighway’s operations be repaved and MassHighway indicated it would consider re-vegetating the remaining area to further enhance stormwater infiltration on-site and the overall bank restoration efforts. I strongly encourage MassHighway to pursue this design modification to the extent feasible.

MassHighway should consult with MassDEP regarding the Chapter 91 permit process. The project may be subject to the Massachusetts Public Waterfront Act, M.G.L. c. 91 and the associated regulations requiring a license because it involves construction below the High Water Mark of a “Non-tidal, Navigable River or Stream”. MassHighway should submit a Request for Determination of Applicability to the Boston Office of MassDEP or submit a Waterways License Application, for a General License, to the MassDEP Western Regional Office.

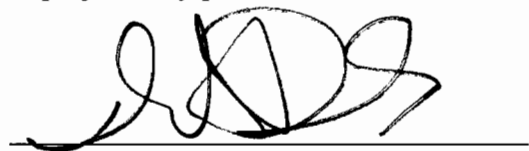
I refer MassHighway to the comment letter from the Board of Underwater Archaeological Resources of the Office of Coastal Zone Management. Although the Board does not anticipate that the project will impact any underwater archaeological resources, MassHighway should notify the Board and take appropriate action to limit adverse impacts if any submerged cultural resources are encountered during project activities.

Conclusion

The ENF has sufficiently defined the nature and general elements of the project, and has proposed measures to avoid and minimize, or mitigate environmental impacts. I am satisfied that any outstanding issues can be addressed through the state and local permitting process. Based on review of the ENF and comments received, and in consultation with state agencies, I have determined that no further MEPA review is required. The project may proceed to state permitting.

August 7, 2009

DATE



Ian A. Bowles, Secretary

Comments Received:

- 7/27/09 Department of Environmental Protection, Western Regional Office
- 7/28/09 Board of Underwater Archaeological Resources, Office of Coastal Zone Management
- 7/27/09 Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program, and the Fisheries Program.

IAB/AE/ae