



The Commonwealth of Massachusetts
Executive Office of Energy & 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 15, 2008

CERTIFICATE OF THE SECRETARY OF ENERGY & ENVIRONMENTAL AFFAIRS
ON THE
NOTICE OF PROJECT CHANGE

PROJECT NAME: Aquatic Habitat Restoration of Nashawannuck Pond
PROJECT MUNICIPALITY: Easthampton
PROJECT WATERSHED: Connecticut River
EEA NUMBER: 13959
PROJECT PROPONENT: City of Easthampton
DATE NOTICED IN MONITOR: July 9, 2008

Pursuant to the Massachusetts Environmental Policy Act (M.G.L. c. 30, ss. 61-62H) and Section 11.11 of the MEPA Regulations (301 CMR 11.00), I have reviewed the Notice of Project Change (NPC) submitted for this project and hereby determine that it **does not require** an Environmental Impact Report (EIR). The project change involves a modification of the proposed method for restoring the aquatic habitat of Nashawannuck Pond from hydraulic dredging to conventional excavation following a drawdown of the pond.

In a separate Decision also issued today, I have proposed to grant a Waiver from the requirement to prepare a Mandatory EIR for the project. This Certificate sets forth the issues that must be addressed during permitting and discusses recommendations that were submitted on the project during the MEPA review period.

Project Description

As described in a January 2007 Environmental Notification Form (ENF), the City of Easthampton proposes to restore historic deepwater habitat of Nashawannuck Pond by dredging 55,000 +/- cubic yards (cy) of accumulated sediment. The approximately 37-acre Nashawannuck Pond was formed over 150 years ago by a dam near the confluence of Broad and White Brooks in

Easthampton. Over the years, sedimentation from past agricultural and construction activities within the watershed has significantly degraded the pond's aquatic habitat. The purpose of the proposed project is to restore the aquatic habitat of Nashawannuck Pond by reducing excessive weed growth, which currently diminishes the quality of habitat for the pond's warm-water fishery. Specifically, the City seeks to:

1. Restore areas of open water aquatic habitat with a depth sufficient to discourage dense aquatic weed growth;
2. Enhance total aquatic habitat for finfish species;
3. Preserve habitat values for waterfowl; and,
4. Restore a balance between open water aquatic habitat, dense aquatic weed beds, and emergent wetlands.

The proposed methodology described in the ENF involved hydraulically dredging approximately 9.6 acres of the 37-acre pond by use of a hydraulic dredge and a shoreline mechanical dewatering process, with sediment reuse at a nearby City-owned parcel of land. The Secretary's Certificate on the ENF (March 8, 2007) determined that the project did not require an EIR.

Project Change Description

Since the issuance of the Certificate on the ENF, the City has determined that the planned restoration method of hydraulic dredging and upland dewatering is no longer economically feasible. As outlined in the NPC, the City now proposes to conventionally excavate the pond following a complete pond drawdown. The same amount of sediment will be excavated (approximately 55,000 cy) and the size of the dredged area will remain the same. The limits of dredging will focus primarily upon the White Brook and Broad Brook cove areas and the northern and southern ends of the pond. While the size of the dredged area will remain the same, impacts to Land Under Water (LUW) will increase from approximately 9.6 acres to approximately 37 acres due to drawdown activities.

Jurisdiction

The project presented in the ENF was subject to review pursuant to Section 11.03(3)(b)(1)(f) and 11.03(3)(b)(3) of the MEPA regulations because it would have resulted in the alteration of more than ½ an acre of "any other wetlands" (9.6 +/- acres of Land Under Water) and because it proposed the dredging of 10,000 or more cy of material. The revised project proposed in the NPC is subject to review and the preparation of a Mandatory EIR pursuant to Section 11.03(3)(a)(1)(b) and 11.03(3)(b)(3) of the MEPA regulations because it will result in the alteration of more than ten acres of "any other wetlands" (37 +/- acres of Land Under Water) and because it proposes the dredging of 10,000 or more cy of material.

The project requires a National Pollutant Discharge Elimination System (NPDES) Construction Permit from the U.S. Environmental Protection Agency (EPA); a 401 Water Quality Certificate (WQC) from the Department of Environmental Protection (MassDEP);

review by the Massachusetts Historical Commission (MHC); and an Order of Conditions from the Easthampton Conservation Commission. The Easthampton Conservation Commission issued an Order of Conditions for the previously reviewed project in July 2008. Due to the increase in resource area impacts, the City is required to submit a new Notice of Intent for the project.

The currently proposed dredging project will receive funding from a combination of federal, state and local sources. Under the Aquatic Ecosystem Restoration Program (Section 206 of the Federal Water Resources Act of 1996), the U.S. Army Corps of Engineers (ACOE) will provide approximately \$1.215 million in funding for the project. The Department of Conservation and Recreation (DCR) and the City of Easthampton will fund the remainder of the project. Because the project involves financial assistance from the Commonwealth, MEPA jurisdiction extends to all aspects of the project that may cause significant Damage to the Environment as defined in the MEPA statute.

Review of the NPC

The City of Easthampton and the Nashawannuck Pond Steering Committee have actively promoted the protection of the pond since 1988. In 1992, a gabion weir was installed at White Brook, and a siltation basin was later constructed on Broad Brook. A Clean Water Act Section 319 grant in 1998 allowed the completion of stabilization work along the pond's shoreline. A second Section 319 grant in 2001 provided the installation of stormwater Best Management Practices (BMPs), including the construction of three swirl-type basins and eight deep sump catch basins at key stormwater discharge points in the Nashawannuck Pond and Broad Brook watersheds. An outreach and technology transfer program was developed which included a training workshop for regional Department of Public Works (DPW) personnel and the creation of a webpage devoted to the restoration of Nashawannuck Pond. Since these measures have been implemented to reduce present and future sediment and nutrient loads to the pond, the City has determined that the next logical step in restoring Nashawannuck Pond is dredging some of the material which was previously accumulated.

As outlined in the NPC, initial drawdown of the pond will occur during the low flow season in late summer or early fall. The City will partially lower the pond by approximately eight feet by opening the bascule gate, and then will completely drain the pond by opening the sluice gates. Following guidance from the Division of Fisheries & Wildlife, fish will be directed to migrate downstream through the open sluice gates in advance of the complete dewatering. Natural flows entering the pond from Broad and White Brooks will be diverted with a temporary weir at each inflow. Flexible piping will be used to redirect the flows to the dam's discharge. The City will also install a temporary weir at the upstream side of the culvert connecting Nashawannuck Pond to the upgradient Rubber Thread Pond; this measure will maintain the water level in Rubber Thread Pond and will prevent bottom sediment from migrating from Rubber Thread Pond.

Prior to excavation, the exposed sediments will be allowed to dewater for approximately three months. Excavation will then proceed from the northern end of the pond and extend southward into the White and Broad Brook cove areas. The limits of excavation will be to a

depth of twelve feet. To preserve shallow water habitat, a 25 to 50 foot wide no-dredge area around the perimeter of the pond will be maintained.

Dried excavated sediment will be loaded onto trucks at a staging area located on the westerly side of the pond and hauled away on existing roads to a City-owned reuse site. The City will implement sediment and erosion control measures to minimize construction period impacts. During excavation, the City will add an 18-inch layer of gravel to the pond bottom for vehicle traction. The City will install 12-inch thick crushed stone construction entrances at the pond stage areas and sediment reuse area to prevent loose sediment from entering the roadways.

According to Division of Fisheries & Wildlife surveys, Nashawannuck Pond provides habitat for thirteen fishery species. The pond is stocked annually in the spring and fall with trout. The Manhan River, which the pond eventually flows into, is a significant coldwater fishery resource. To minimize potential impacts to fishery resources, the City should follow the guidelines outlined in the Dredging and Drawdown sections of the 2004 *Eutrophication and Aquatic Plant Management in Massachusetts Final Generic Environmental Impact Report*. The City asserts that the temporary alteration to Nashawannuck Pond's hydrology caused by the project will not have long-lasting adverse impacts on the general pond environment. The City anticipates that the pond's warm water fishery will be fully re-established within three years of the project. I note the receipt of comments from the Connecticut River Watershed Council (CRWC) regarding maintenance issues downstream of the pond; I strongly encourage the City to work to remove trash and woody debris at downstream bridges, canal structures and dams.

The dredged material will be beneficially reused as fill on a city-owned disposal site, which is categorized as a GW-1 groundwater area because it lies within a Zone II for a public water supply. As outlined in the ENF, laboratory testing conducted on three sediment samples from Nashawannuck Pond in 2002 indicated metals, polynuclear aromatic hydrocarbons (PAHs), pesticides and extractable petroleum hydrocarbons (EPH) at concentrations below Massachusetts Contingency Plan (MCP) standards. The City should review any relevant local watershed protection ordinances to the disposal of the sediment.

According to the Massachusetts Historical Commission (MHC), a known Native American site (MHC site #19-HS-49) is located beside White Brook, immediately north of the proposed dewatering/disposal site area. The City has contracted with the Public Archaeology Laboratory, Inc. (PAL) to conduct a cultural resources reconnaissance survey and an intensive location archaeological survey for Nashawannuck Pond and its vicinity. The results of the survey have been submitted to MHC for review. The report recommends that no additional survey work is required for the project and makes the determination that the dredging project will not adversely impact historic or archaeological resources. MHC has concurred with this determination.

Conclusion

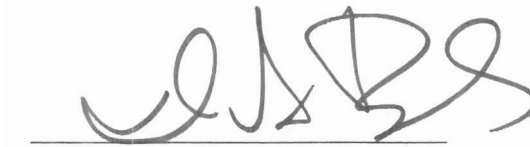
Based on a review of the information provided by the City and after consultation with the relevant public agencies, I find that the potential impacts of this project do not warrant further

MEPA review. Outstanding issues may be addressed during the permitting process.

I have also issued today a Draft Record of Decision (DROD) proposing to grant a Waiver from the requirement to prepare an EIR for the project. The DROD will be published in the next edition of the Environmental Monitor on August 27, 2008 in accordance with 301 CMR 11.15(2), which begins the public comment period. The public comment period lasts for 14 days and will end on September 10, 2008. Based on written comments received concerning the DROD, I shall issue a Final Record of Decision or a Scope within seven days after the close of the public comment period, in accordance with 301 CMR 11.15(6). If the Full Waiver is not approved based on comments received on the DROD, then this Certificate on the NPC will be re-issued with a Scope for an EIR.

August 15, 2008

Date



Ian A. Bowles

Comments received:

- 7/18/2008 Massachusetts Historical Commission
- 7/25/2008 Department of Environmental Protection, Western Regional Office
- 7/29/2008 Massachusetts Historical Commission
- 8/8/2008 Connecticut River Watershed Council

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