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September 22, 2006

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

PROJECT NAME: Green River Sediment Removal Project
PROJECT MUNICIPALITY: Greenfield
PROJECT WATERSHED: Deerfield
EOEA NUMBER: 13868
PROJECT PROPONENT: The Berkshire Gas Company
DATE NOTICED IN MONITOR: August 23, 2006

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H) 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.

Project Description

As described in the Environmental Notification Form (ENF), the Berkshire Gas Company is proposing to remediate a historic release of non-aqueous phase liquids (NAPL) from the river bed of a portion of the Green River off Meade Street in Greenfield according to the provisions of the Massachusetts Contingency Plan (MCP). The NAPL-containing sediments occupy approximately 6,000 square feet (sf) of the river bottom. The work will involve some excavation of the river bed and restoration activities within the river and other associated resource areas subject to protection under the Massachusetts Wetlands Protection Act.

The proponent evaluated a series of alternative remedial options for the project including wet excavation, capping, and performing the work "in-the-dry". The preferred alternative described in the ENF involves performing the work "in-the-dry" using a long-reach excavator or similar equipment. Near-dry conditions would be achieved in the excavation area with the

implementation of a temporary bypass technique ("Portadam"). Sediments will be excavated, drained and then treated at an off-site location. Backfill of the riverbed will be done using sand and natural stone to achieve original contours. Following restoration of the river bottom, the temporary bypass system will be removed and the river bank will be restored.

Jurisdiction

The project is undergoing review pursuant to Section 11.03(3)(b)(1)(f) of the MEPA regulations because it will result in the alteration of one-half or more acres of wetlands (in this case, Riverfront Area and Bordering Land Subject to Flooding). The project requires a Section 404 Programmatic General Permit from the U.S. Army Corps of Engineers (ACOE); a 401 Water Quality Certificate from the Department of Environmental Protection (MassDEP); review from the MA Division of Fisheries and Wildlife Natural Heritage and Endangered Species Program (NHESP); review from the Massachusetts Historical Commission (MHC); and an Order of Conditions from the Greenfield Conservation Commission.

The proponent is not seeking financial assistance from the Commonwealth for the project. Therefore, MEPA jurisdiction applies to those aspects of the project within the subject matter of required permits or state agency review. In this case, MEPA jurisdiction is limited to issues related to wetlands, rare species and historic resources.

Wetlands

The project will result in temporary impacts to the following wetland resource areas: Bank (340 linear feet), Bordering Vegetated Wetlands (BVW) (3,798 sf), Land Under Water (28,597 sf), Bordering Land Subject to Flooding (24,467 sf) and Riverfront Area (28,923 sf). The project requires the dredging of 1,700 cubic yards of material. The proponent has received a determination from MassDEP's Waterways Program stating that the project does not require a Chapter 91 permit. The project is being filed as a Limited Project pursuant to Section 10.53(3)(q) of the wetlands regulations. The proponent has filed a Notice of Intent with the Greenfield Conservation Commission (DEP #168-0247) and has submitted an application for a 401 Water Quality Certificate to MassDEP. Erosion and sedimentation controls will be incorporated into the project design to prevent erosion, control sediments and stabilize exposed soils during construction or land disturbance. Erosion and sediment control provisions will remain in place until all disturbed areas have been permanently stabilized and restored.

Following comments from the Connecticut River Watershed Council (CWRC), the proponent and its contractors should carefully monitor flow rates in the river when the Portadam is in place. During this time the entire flow of the Green River will be funneled into a very narrow channel and could be significantly impacted by precipitation or the flushing of water held by the swimming area dam upstream of the project site.

In response to comments from the MA Riverways Program, the proponent should look at the characteristics of a relatively unimpacted reach of the Green River to ascertain the best fill materials. I also encourage the proponent to consider CRWC's suggestion to install cobble on the riverbed once the project is complete to provide improved habitat for fish.

The project plans indicate a pre-existing concrete training wall approximately 200 linear feet long and 1 foot deep in the river at the project site. This structure was installed during a previous clean up of the river and according to the proponent will remain in the river after the proposed remedial activities. In response to comments from the Greenfield Conservation Commission and the MA Riverways Program, I strongly encourage the proponent to remove this structure once the project is complete. Removal of this structure is important for maintaining natural riverine hydrodynamics, and to prevent problems for aquatic habitat and possible flooding and recreational hazards. Removal of the training wall may be a condition of the Conservation Commission's Order of Conditions and of MassDEP's Water Quality Certificate.

Rare Species

According to NHESP, the project site is located within Priority Habitat (PH 216) and Estimated Habitat (WH 7310) as indicated in the 11th Edition of the MA Natural Heritage Atlas. NHESP has determined that the proposed project is very near the actual habitat of the Wood Turtle (*Glyptemys insculpta*), the Black Maple (*Acer nigrum*) and the Barren Strawberry (*Waldsteinia fragarioides*). These species are listed as species of "Special Concern" in accordance with the Massachusetts Endangered Species Act (MESA) and its implementing regulations (321 CMR 10.00).

In accordance with NHESP requirements, the proponent undertook botanical surveys for the Barrens Strawberry and Black Maple. These surveys indicated that neither species were present on the site. The proponent also conducted a preliminary habitat assessment for the Wood Turtle which indicated that some portions of the project site may provide marginal habitat for this species. Based on the results of the habitat assessments, NHESP has determined that the proposed project will not result in a prohibited "take" of the state-listed species provided that the proponent adheres to a set of construction conditions that were outlined in a NHESP letter to the proponent dated August 14, 2006. This letter was submitted as part of the ENF and mandates that all work on the project shall be supervised by a qualified wildlife biologist with experience working with Wood Turtles. The proponent indicated in the ENF and at the MEPA site visit held for the project on September 1, 2006 that they will fully comply with all NHESP requirements.

The proponent has also received notification from the U.S. Fish and Wildlife Service that there are no federally-listed or proposed, threatened or endangered species or critical habitat in the project area and that preparation of a Biological Assessment or further consultation under Section 7 of the Endangered Species Act is not required.

Historic Resources

The project area is archaeologically sensitive and likely to contain significant archaeological sites associated with ancient and historical period land use. In response to requests from MHC, the proponent should conduct a reconnaissance archaeological survey at the site and should have a qualified archaeologist on the project planning team. The Massachusetts Board of Underwater Archaeological Resources (BUAR) states in its comments on the ENF that it is not likely that the project will adversely impact submerged cultural resources. However, the proponent should note that if heretofore-unknown submerged cultural resources are encountered

during construction activities, the proponent should take steps to minimize adverse impacts and should notify BUAR immediately.

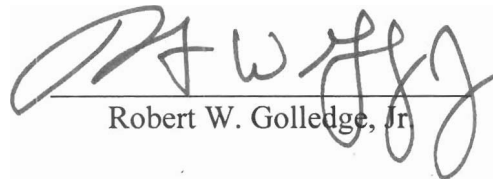
The project site is also contiguous to the Green River Cemetery, which is eligible for listing in the National Register of Historic Places. The Green River Cemetery includes an ancient Native American archaeological site (19-FR-332), which includes an unmarked burial. The Green River Cemetery is presently threatened by slope failure and soil erosion. MHC states in its comments on the ENF that the proposed project has the potential to cause an "adverse effect" (36 CFR 800.5(b) and 950 CMR 71.07(2)(b)(2)) to the Green River Cemetery. During the Notice of Intent and Water Quality Certificate application process, the proponent will be required to demonstrate to the Greenfield Conservation Commission and MassDEP that the project will not exacerbate the current erosion. MassDEP has advised the proponent that a careful riverine hydrodynamic analysis should be conducted to verify that no adverse affect will result.

Conclusion

The impacts of the project within MEPA jurisdiction do not warrant the preparation of an EIR. I conclude that no further MEPA review is required. The proponents may resolve any remaining issues during the state and local permitting processes.

September 22, 2006

Date



Robert W. Golledge, Jr

Comments received:

9/1/2006	Massachusetts Historical Commission
9/8/2006	Greenfield Conservation Commission
9/11/2006	Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program
9/11/2006	Commonwealth of Massachusetts, Board of Underwater Archaeological Resources
9/11/2006	Town of Greenfield, Historical Commission
9/12/2006	Department of Environmental Protection, Western Regional Office
9/12/2006	Connecticut River Watershed Council
9/12/2006	Commonwealth of Massachusetts Riverways Program
9/12/2006	Berkshire Gas

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