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October 10, 2008

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

PROJECT NAME : Mill Village Road – Deerfield River Bank
Restoration
PROJECT MUNICIPALITY : Deerfield
PROJECT WATERSHED : Deerfield
EOEA NUMBER : 14307
PROJECT PROPONENT : Town of Deerfield
DATE NOTICED IN MONITOR : August 27, 2008

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.

As described in the Environmental Notification Form (ENF), the project involves the permanent stabilization of an 1,800 linear foot (lf) section of bank along the Deerfield River located immediately adjacent to Mill Village Road between Childs Cross Road and Wells Cross Road in Deerfield. The project involves the installation of bank armoring including rock riprap, tree root wads, coarse and fine drain fill, fabric-encapsulated lifts, turf reinforcement matting, and tree revetments within the existing riverbed and along the Deerfield River bank. The Proponent also proposes to construct five 30 foot x 60 foot rock rip-rap stream barbs that will extend approximately 60 lf into the Deerfield River to cause the river channel (thalweg) to gradually relocate away from the toe of the bank to reduce flow velocities near the bank. The Proponent proposes to construct the stream barbs from a constructed shelf on the bank and then to construct the bank armoring from Mill Village Road.

The project is undergoing review pursuant to Section 11.03 (3)(b)(1)(b) and (3)(b)(1)(e) of the MEPA regulations, because the project involves the alteration of 500 or more feet of inland bank and will result in new fill in a regulatory floodway. The project will require a 401 Water Quality Certificate from the Department of Environmental Protection (MassDEP) and will also require a Section 404 Programmatic General Permit from the U.S. Army Corps of Engineers (ACOE) under the Clean Water Act. The project will require a final Order of Conditions to be issued from the Deerfield Conservation Commission (and hence a Superseding Order of Conditions from MassDEP if the local Order were appealed) prior to the commencement of project construction. The project may require a Conservation and Management Permit from the Natural Heritage and Endangered Species Program (NHESP) and a Chapter 91 License from MassDEP.

Wetlands and Waterways

In their comments MassDEP has indicated that bank stabilization project will impact numerous resource areas including inland bank, land under water wetlands, bordering land subject to flooding (BLSF), and Riverfront Area. The Proponent will be required to provide MassDEP with an appropriate-scaled plan that identifies the delineation of resource areas within the project site particularly as they may pertain to Bordering Vegetated Wetlands (BVW) and the Mean Annual High Water Line (MAHWL). The Proponent must demonstrate to MassDEP how the proposed on-site and off-site replication areas would comply with the General Performance standards for construction activities on an inland Bank wetlands resource areas at 310 CMR 10.54(4). The Proponent must complete a wildlife habitat evaluation and demonstrate to MassDEP that the project design meets the general performance standards for work within BLSF particularly as they may apply to compensatory flood storage and wildlife habitat function. MassDEP has also determined that this project involves work below the high water mark of a non-tidal navigable river and may be subject to review under the Massachusetts Public Waterfront Act (MGL chapter. 91) and MassDEP's Waterways Regulations (310 CMR 9.00). The Proponent must file a Request for Determination of Applicability with MassDEP to determine the project's consistency with the Massachusetts Public Waterfront Act and will require a Chapter 91 License.

According to the comments received from the Department of Conservation and Recreation (DCR) and MassDEP, portions of the proposed bank stabilization project are located within the 100-year floodplain and the Deerfield River floodway. The Proponent must demonstrate to DCR that the project will not result in an increase in flood stage and velocity during the 100-year flood event, and that the project design is consistent with applicable federal flood plain management policies (Executive Order 11988, Flood Plain Management) for construction within the 100-year floodplain.

Rare Species

The project site is located within and adjacent to actual habitat for state-listed rare species. In their comments, the Natural Heritage and Endangered Species Program (NHESP) identified the existence of rare species habitat for the Wood Turtle (*Glyptemys insculpta*), Stygian Shadowdragon (*Neurocordulia yamaskanensis*), Ocellated Darner (*Boyeria grafiانا*), and Threadfoot (*Podostemum ceratophyllum*).

NHESP has requested that the Proponent provide additional information to NHESP to determine if the project as currently proposed will result in a “take” of state-listed plant species and require a Conservation and Management Permit pursuant to the Massachusetts Endangered Species Act (MESA) and MESA Regulations (321 CMR 10.04(3)(b)). Specifically, the Proponent must provide NHESP with the completed plant survey results for Threadfoot, a proposed time-of-year (TOY) construction commitments to avoid impacts to turtles, and a proposed erosion and sedimentation control plan to avoid water quality impacts to dragonflies. The Proponent must work closely with NHESP during final project design to identify the project’s impacts and commitments related to the protection of state-listed species during project construction. If NHESP determines that the project will result in a take, the Proponent will need to file a Notice of Project Change (NPC) with the MEPA Office to discuss the project’s impacts to state-listed species, and the Proponent’s commitments to mitigation that may be required as part of the Conservation and Management Permit process.

The proponent can resolve any remaining issues during project permitting. I conclude that no further MEPA review is required at this time. The review of the ENF has served to demonstrate that the impacts of the completed project do not warrant the preparation of an EIR.

October 10, 2008

Date



Ian A. Bowles, Secretary

Comments received: (continued on next page)

09/15/08	Natural Heritage and Endangered Species Program (NHESP)
09/10/08	Department of Conservation and Recreation (DCR)
09/15/08	Connecticut River Watershed Council (CRWC)
09/18/08	Department of Environmental Protection (MassDEP) - WERO
09/19/08	New England Environmental Inc.

Comments received: (continued)

09/29/08 Franklin Conservation District
09/29/08 Kenneth Williams, III
09/29/08 Peter Melnik, Barway Farm, Inc.
09/29/08 Jay Savage, Savage Farms, Inc.
09/29/08 Jaap Molenaar, Pioneer Gardens, Inc.

ENF #14307
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