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November 9, 2006

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

PROJECT NAME: Deerfield River Emergency Watershed Protection
PROJECT MUNICIPALITY: Deerfield
EOEA NUMBER: 13887
PROJECT PROPONENT: Town of Deerfield
DATE NOTICED IN MONITOR: October 10, 2006

Pursuant to the Massachusetts Environmental Policy Act (M.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 (EIR).

As presented in the Environmental Notification Form (ENF), the project involves repairs to a portion of eroding bank on the Deerfield River adjacent to the Old Deerfield Wastewater Treatment Plant (WWTP). The Old Deerfield WWTP located on Little Meadow Road serves a significant portion of the Town of Deerfield, including Deerfield Academy, Bement School and Eaglebrook School. A substantial amount of material was removed from the downstream right bank of the Deerfield River during flood events in April 2005. After this event, the Town of Deerfield contacted the Natural Resources Conservation Service (NRCS) requesting assistance to prevent further erosion of the riverbank. NRCS then hired a consultant, Interfluve, Inc. to consider alternative solutions for addressing the erosion. During the Interfluve contract, heavy rains in October 2005 inundated the Deerfield River floodplain resulting in further impacts to the integrity of the riverbank.

In July 2006 the proponent contacted MEPA requesting authorization to perform work under an Emergency Action before October 2006 to avoid the potential loss of the WWTP. On August 2, 2006, the MEPA office issued a finding pursuant to 310 CMR 11.13 that the proposed

Emergency Action could commence in the absence of due compliance with MEPA because it was essential to avoid or eliminate an imminent threat to environmental resources and quality, as well as public safety. The finding instructed the Town to file an initial ENF within ten Days of Commencement of the project. The project commenced on September 7, 2006 and is anticipated to be complete by November 17, 2006. The ENF was noticed in the October 10, 2006 edition of the Environmental Monitor.

The project is subject to review pursuant to Section 11.03(3)(b)(1)(f) of the MEPA regulations because it will result in the alteration of more than ½ an acre of “any other wetlands”. The project will require a Category 2 Programmatic General Permit (PGP) from the U.S. Army Corps of Engineers (ACOE) pursuant to Section 404 of the Clean Water Act; Emergency Authorization from the Department of Environmental Protection (MassDEP) under the Massachusetts Wetlands Protection Act (M.G.L. c.131, § 40 and 310 CMR 10.00), the Massachusetts Clean Waters Act (M.G.L. c.21 §§ 26-53), and the Public Waterfront Act Regulations (310 CMR 9.20); review from the Division of Fisheries and Wildlife Natural Heritage and Endangered Species Program (NHESP); and review from the Massachusetts Historical Commission (MHC). The project does not involve any financial assistance from the Commonwealth and therefore MEPA jurisdiction is limited to the subject of required or potentially required state agency actions. In this case, MEPA jurisdiction extends to wetlands, waterways, rare species and historic resources.

The MEPA regulations at 301 CMR 11.13(1) state that after the filing of the initial ENF, and within the earlier of 60 Days of Commencement of the Project or when the threat is no longer imminent, the proponent shall undertake full due compliance with MEPA by filing an amended or substitute ENF. Since the submission of the initial ENF, the proponent has provided additional information on the project’s anticipated environmental impacts. Based on my review of the current ENF and the supplemental information, and after consultation with permitting agencies, I have determined that the proponent has adequately addressed the issues subject to MEPA jurisdiction and that additional MEPA review will not serve to further avoid, minimize or mitigate damage to the environment. The proponent may address remaining issues outlined in this Certificate with permitting agencies.

The Town and Interfluve, Inc. considered several alternative approaches to the bank stabilization, including the no-action alternative; a hard or structural engineering approach utilizing rock or rip rap; bio-engineering approaches using fabric encapsulated lifts or fabric reinforced slopes; and a bio-technical approach using fabric encapsulated lifts and plastic geocell material. The work is being undertaken with the proponent’s preferred approach which entails the construction of a rip rap embankment under the water and at the lower sections of the slope and the installation of fabric encapsulated soil lifts that are seeded and planted. This approach will curtail erosion of the bank and establish a vegetated slope to restore the eroded upper slope of the riverbank. The project will result in impacts to 555 linear feet of Bank, 520 square feet (sf) of Land Under Water, and 21,052 sf of Riverfront Area. The ENF provided detailed information on construction specifications.

MassDEP issued emergency authorization with conditions for the project on July 31, 2006. The conditions outlined specific measures related to erosion and sedimentation control and

revegetation of the site post-construction. Representatives from MassDEP who attended the MEPA site visit for the project on October 25, 2006 observed the work being conducted as proposed and according to the conditions outlined in the emergency authorization. The proponent should submit an As-Built Plan to MassDEP and the Deerfield Conservation Commission following completion of construction. On October 12, 2006 the ACOE Regulatory Division issued a Category 2 PGP (#NAE-2005-1315-5) for the project.

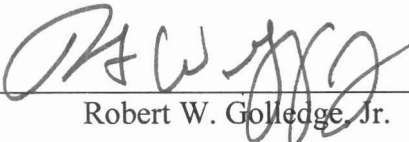
The project site is located within mapped Priority Habitat for the Wood Turtle. In a letter dated July 31, 2006, NHESP outlined conditions that the proponent was required to follow during construction to avoid a prohibited take. The conditions specified that once the siltation curtain was installed, but prior to any further work, a qualified wetland biologist should search the water inside the curtain for wood turtles. Any turtles encountered must be removed from the work area and placed in appropriate habitat nearby but outside of the work area. In addition, NHESP required that all in-water work associated with the project must be completed by November 1st. In their comments on the ENF, NHESP stated that all work involved in the bank restoration was being conducted per the emergency authorization and conditions issued on July 31, 2006.

Per Section 106 of the National Historic Preservation Act, the NRCS contracted with the Public Archaeology Laboratory (PAL) to conduct an archaeological investigation at the project site. The archaeological survey was conducted under a permit issued by the MHC. No cultural materials were found in test pits at the WWTP site however Native American cultural materials were recovered during examination of a tilled field northwest of the sewage facility. The PAL summary report submitted with the ENF materials recommended that further archaeological investigation was only warranted if the project involved ground disturbances to the north of the existing WWTP site. MHC did not provide comments on the project during the MEPA review process.

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

November 9, 2006

Date



Robert W. Golledge, Jr.

Comments received:

10/26/2006 Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program
10/30/2006 Department of Environmental Protection, Western Regional Office