

3For Office Use Only Executive Office of Environmental Affairs
MEPA Analyst: <i>Holly Johnson</i>
Phone: 617-626- <i>1023</i>

NPC

Notice of Project Change

The information requested on this form must be completed to begin MEPA Review of a NPC in accordance with the provisions of the Massachusetts Environmental Policy Act and its implementing regulations (see 301 CMR 11.10(1)).

Project Name: Rice Reservoir Reclamation, Private Pier and Boatshed		EOEA #: 14164
Street: Fiskdale Road		
Municipality: Brookfield	Watershed: Quinebaug	
Universal Transverse Mercator Coordinates: N:4709218.3 E:1234990.6	Latitude: 42°11'19" Longitude: 72°06'10"	
Status of project construction: 0 %complete		
Proponent: Fromm Development Company		
Street: PO Box 76		
Municipality: Brookfield	State: MA	Zip Code: 01506
Name of Contact Person From Whom Copies of this NPC May Be Obtained: Jeffrey W. Oakes, P.E.		
Firm/Agency: CLE Engineering, Inc.	Street: 15 Creek Road	
Municipality: Marion	State: MA	Zip Code: 02738
Phone: (508) 748-0937	Fax: (508) 748-1363	E-mail: Joakes@cleengineering.com

In 25 words or less, what is the project change? The project change involves . . .
 Project is no longer mapped as Estimated Habitat or Priority Habitat of Rare Species and now encompasses the potential to dredge an area greater than the proposed 9.47 acres.
 See full project change description beginning on page 3.

Date of ENF filing or publication in the Environmental Monitor: January 23, 2008

Was an EIR required? Yes No; if yes,
 was a Draft EIR filed? Yes (Date:) No
 was a Final EIR filed? Yes (Date:) No
 was a Single EIR filed? Yes (Date:) No

Have other NPCs been filed? Yes (Date(s):) No

If this is a NPC solely for lapse of time (see 301 CMR 11.10(2)) proceed directly to
"ATTACHMENTS & SIGNATURES" on page 4.

PERMITS / FINANCIAL ASSISTANCE / LAND TRANSFER

List or describe all new or modified state permits, financial assistance, or land transfers not previously reviewed: No state permits have been issued, there is no financial assistance or land transfer associated with the Project.

Are you requesting a finding that this project change is insignificant? (see 301 CMR 11.10(6))
 Yes No; if yes, attach justification.

Are you requesting that a Scope in a previously issued Certificate be rescinded?
 Yes No; if yes, attach the Certificate

Are you requesting a change to a Scope in a previously issued Certificate? Yes No; if yes, attach Certificate and describe the change you are requesting: The site was removed from the Estimated Habitat for Rare Wildlife and the Priority Habitat for Rare Species as shown in the Massachusetts Natural Heritage and Endangered Species Program's (NHESP) 13th Edition of the Natural Heritage Atlas (effective October, 2008). Therefore the Section on Rare Species in the Scope is no longer valid.

Summary of Project Size & Environmental Impacts	Previously reviewed	Net Change	Currently Proposed
LAND			
Total site acreage	166	0	166
Acres of land altered	7.2	0	7.2
Acres of impervious area	0.8	0	0.8
Square feet of bordering vegetated wetlands alteration	0	0	0
Square feet of other wetland alteration	412,310 in pond	1,505,610	1,917,920
Acres of non-water dependent use of tidelands or waterways	0	0	0
STRUCTURES			
Gross square footage	9,382	0	9,382
Number of housing units	1 (existing)	0	0
Maximum height (in feet)	30± (existing)	0	0
TRANSPORTATION			
Vehicle trips per day	N/A	0	N/A
Parking spaces	N/A	0	N/A
WATER/WASTEWATER			
Gallons/day (GPD) of water use	N/A	0	N/A
GPD water withdrawal	N/A	0	N/A
GPD wastewater generation/ treatment	N/A	0	N/A
Length of water/sewer mains (in miles)	N/A	0	N/A

Does the project change involve any new or modified:

1. conversion of public parkland or other Article 97 public natural resources to any purpose not in accordance with Article 97? Yes No

2. release of any conservation restriction, preservation restriction, agricultural preservation restriction, or watershed preservation restriction? Yes No

3. impacts on Estimated Habitat of Rare Species, Vernal Pools, Priority Sites of Rare Species, or Exemplary Natural Communities? Yes No

4. impact on any structure, site or district listed in the State Register of Historic Place or the inventory of Historic and Archaeological Assets of the Commonwealth?

Yes No; if yes, does the project involve any demolition or destruction of any listed or inventoried historic or archaeological resources? Yes No

5. impact upon an Area of Critical Environmental Concern? Yes No
If you answered 'Yes' to any of these 5 questions, explain below :

PROJECT CHANGE DESCRIPTION (attach additional pages as necessary). The project change description should include:

(a) a brief description of the project as most recently reviewed

(b) a description of material changes to the project as previously reviewed,

(c) the significance of the proposed changes, with specific reference to the factors listed 301 CMR 11.10(6), and

(d) measures that the project is taking to avoid damage to the environment or to minimize and mitigate unavoidable environmental impacts. If the change will involve modification of any previously issued Section 61 Finding, include a proposed modification of the Section 61 Finding (or it will be required in a Supplemental EIR).

SEE ATTACHED NARRATIVE

ATTACHMENTS & SIGNATURES

Attachments:

- 1. Secretary's most recent Certificate on this project
- 2. Plan showing most recent previously-reviewed proposed build condition
- 3. Plan showing currently proposed build condition
- 4. Original U.S.G.S. map or good quality color copy (8-1/2 x 11 inches or larger) indicating the project location and boundaries
- 5. List of all agencies and persons to whom the proponent circulated the NPC, in accordance with 301 CMR 11.10(7)

Signatures:

5-22-09	Andrew Upton	AS-0711	5/26/09	Jeffrey W. Oakes
Date	Signature of Responsible Officer or Proponent		Date	Signature of person preparing NPC (if different from above)
ANDREW UPTON		Jeffrey W. Oakes		
Name (print or type)		Name (print or type)		
DINICOLA + UPTON, LLP		CLE Engineering, Inc.		
Firm/Agency		Firm/Agency		
141 TREMONT ST. #400		15 Creek Road		
Street		Street		
BOSTON MA 02111		Marion, MA 02738		
Municipality/State/Zip		Municipality/State/Zip		
617 447-2035		(508) 748-0937		
Phone		Phone		

Rice Reservoir Reclamation, Private Pier and Boatshed
EEA Number: 14164
May 26, 2009

PROJECT CHANGE DESCRIPTION:

DESCRIPTION OF PROJECT AS MOST RECENTLY REVIEWED:

Rice Reservoir is privately owned by Keith Realty Corporation, Inc. As a man-made reservoir it is not classified as a Great Pond although it is shown as 60 acres in size and has a current water sheet of approximately 46 acres. The once deep-water Rice Reservoir has become a eutrophic mosquito-ridden swampy area with a depth of 1-2 feet, with a mucky shoreline that acts very much like quicksand and poses a danger to people and animals. As well, the current conditions prevent use of the water for firefighting purposes—a dangerous situation given the lack of fire hydrants anywhere near the large home at 68 Fiskdale road on the site to the west of the reservoir.

The project applicant, Fromm Development Company, proposes to dredge and reclaim Rice Reservoir to re-create deepwater habitat and to reclaim organic sediment and sand for on-site processing and sale for use as a soil amendment. It is proposed to hydraulically dredge the pond and pump the sediment and sand to an on-site dewatering basin on the adjacent hill side approximately 300 feet from the western shoreline. It is intended to obtain permits to dredge approximately 9.47 acres of the Rice reservoir adjacent to the residence to re-establish an area that can once again be used for swimming and boating. Additionally, the re-claimed sediment will be used on site in order to facilitate the agricultural endeavors, the surplus to be sold as high quality topsoil.

The goal of using this large parcel as a rural residential agricultural concern and to establish a long-term, self-sustaining 'green' operation will allow the applicant the opportunity to replace the income and large profits that could be made from the parcels use as a residential development.

DESCRIPTION OF MATERIAL CHANGES TO THE PROJECT:

1. The project was determined to be within Priority Habitat of Rare Species and Estimated Habitat of Rare Wildlife as shown on the Massachusetts Natural Heritage and Endangered Species Program's (NHESP) 12th Edition of the Natural Heritage Atlas (effective October 1, 2006). A MESA filing was submitted (Tracking 06-20694) for which NHESP issued a letter requesting additional information. CLE met with the NHESP and provided the requested information on November 21, 2007. CLE did not receive an additional request for information until after the MEPA Scoping Session on the ENF held on February 1, 2008. The NHESP's comments on the ENF were incorporated in the Secretary's Certificate that listed some outstanding concerns.

In anticipation of meeting to address the listed concerns, the NHESP noted the current 13th edition of the Natural Heritage Atlas, effective October 2008 no

longer shows the project site to be within either Priority Habitat of Rare Species or Estimated Habitat of Rare Wildlife. Subsequently, the comments from the NHESP with regard to Rare Species no longer apply and Rare Species Habitat issues should no longer be within the Scope of the DEIR.

2. The project was originally proposed as a pilot project designed to dredge approximately 50,000 cubic yards of material from approximately 9.47 acres of Rice Reservoir. The proponent anticipated the need to file an EIR in the event the pilot project indicated that additional dredging within other areas of Rice Reservoir was viable. However the Certificate indicates that approach is considered segmentation of the project. The Certificate states the DEIR must consider the entirety of the project in the event the dredging is expanded beyond the initial 9.47 acres.

The proponent wishes to change the scope of the project to include the potential to dredge a footprint encompassing approximately 44 acres of the approximately 46 acre water sheet of Rice Reservoir. The volume of dredged material including sand and organic sediments is potentially 450,000 to 500,000 cubic yards. It is anticipated that dredging, dewatering and mixing the topsoil product would take place over the course of a number of years.

SIGNIFICANCE OF THE PROPOSED CHANGES WITH SPECIFIC REFERENCE TO THE FACTORS LISTED 301 CMR 11.10(6):

- a. *Expansion of the Project:* The expansion of the area and volume proposed to be dredged exceeds the area and volume described in the ENF.
- b. *Generation of Further Impacts including an increase in release or emission of pollutants or contaminants during or after completion of the Project.* The change to the project is not expected to release any pollutants than the localized suspension of the pond substrate that will be confined at the dredge cutter head by a turbidity curtain. The increased scope and duration of the project will result in an increase number of hours of barge operations with the resultant engine exhaust and potential for fuel spills. Mitigation measures will be provided to absorb any spills from the dredge. The increased volume of dredged material will result in longer operation of the dewatering facility with a greater volume of water returned to the pond. Those increases are no greater than would be expected from the original 9.47 acre project on a daily basis.
- c. *Change in expected date for Commencement of the Project, Commencement of Construction, completion data for the Project, or schedule of work on the Project:* The expansion of the Project to encompass approximately 44 acres will not significantly change the Commencement of the Project or Construction but will result in a later completion date of the Project.

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- d. *Change in Project Site:* The Project Site has not changed, however the area of Rice Reservoir proposed to be dredged has been increased from 9.47 acres to approximately 44 acres.
- e. *New Application for a Permit or New Request for Financial Assistance or Land Transfer:* The project change does not require additional Permits, a Request for Financial Assistance or a Land Transfer.
- f. *For a Project with net benefits to environmental quality and resources or public health, any change that materially delays realization of such benefits:* The Project is expected to improve the water quality and biodiversity within Rice Reservoir. The inclusion of the entire 44 acre Project in the Scope of the DEIR and the filing of this Notice of Project Change have resulted in the delay of the original 9.47 acre Project and the resultant benefits to environmental quality.
- g. *For Projects involving a lapse of time, changes in the ambient environment or information concerning the ambient environment:* The water quality of Rice Reservoir decreases annually as a result of the proliferation of aquatic vegetation that in turn depletes dissolved oxygen and accumulates as muck on the pond bottom upon its decay. The shallow water depths result in high water temperatures and low dissolved oxygen concentrations during the summer that stress the fish populations.

MEASURES THAT THE PROJECT IS TAKING TO AVOID DAMAGE TO THE ENVIRONMENT OR TO MINIMIZE AND MITIGATE UNAVOIDABLE ENVIRONMENTAL IMPACTS:

In addition to permit requirements to be developed by the Brookfield Conservation Commission and the Massachusetts Department of Environmental Protection, the following restrictions are proposed:

1. Prior to construction a siltation fence will be installed at the toe of the containment berm at the dewatering facility.
2. Absolutely no release is allowed into the waterway of any petroleum product, epoxies, resins, admixtures, touch-up coatings or the like. Accidental releases shall be reported to the Owner and Engineer. The Contractor shall have on site sufficient sorbent pads and booms to contain an accidental spill.
3. Debris from pier construction operations is to be cleaned up on a regular basis and disposed of off site at a properly designated facility. Floating debris and cuttings shall be contained in the work area by floating booms and shall not be allowed to drift about the reservoir.
4. No refueling of construction equipment shall be permitted within 100' of the shoreline.

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5. Both the discharge hose from the dredge and the hose returning clear water from the dewatering basin to the pond will be supported on the pier above the wetlands at the pond edge at the end of the existing gravel road.

As described in the Environmental Notification Filing, the dredging of the reservoir will improve the fisheries habitat and water quality, of the reservoir in accordance with guidelines established by the Commonwealth of Massachusetts. The construction of the pier, gazebo and boathouse will minimize impacts to the protected resources and will meet the performance standards as required in the regulations of the Massachusetts Wetlands Protection Act and the Massachusetts Clean Water Act. The partial reclamation of Rice Reservoir will be consistent with the goals Commonwealth of Massachusetts Water Resources Commission Policy on Lake and Pond and allow for the establishment of a long term agribusiness on the site.