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March 19, 2020

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
ON THE
DRAFT ENVIRONMENTAL IMPACT REPORT

PROJECT NAME	: Sylvia Place Pond Dam Breach
PROJECT MUNICIPALITY	: Kingston
PROJECT WATERSHED	: South Coastal
EEA NUMBER	: 16023
PROJECT PROPONENT	: Wildlands Trust of Southeastern Massachusetts
DATE NOTICED IN MONITOR	: February 10, 2020

As Secretary of Energy and Environmental Affairs, I hereby determine that the Draft Environmental Impact Report (DEIR) submitted on this project **adequately and properly** complies with the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62I) and its implementing regulations (301 CMR 11.00). The DEIR has adequately described the environmental impacts of the project that are within MEPA jurisdiction and identified appropriate mitigation. I am satisfied that the Proponent has met its obligations under MEPA, and that the Agencies have adequate information upon which to base their required Section 61 Findings and permits. For these reasons, I hereby find that, pursuant to Section 301 CMR 11.08(8)(b)(2)(a) of the MEPA regulations, the Draft EIR may be reviewed as a Final EIR without further supplementation. I will publish notice in the March 25, 2020 Environmental Monitor that the Draft EIR is being reviewed as a FEIR, subject to a 30-day comment period.

Project Description

As described in the DEIR, the project consists of breaching the Sylvia Place Pond Dam, filling of the fish ladder and spillway, and construction of an open channel to connect flows to a perennial stream that discharges to Bryant Mill Pond. Sylvia Place Pond Dam is designated as a significant hazard dam in poor condition by the Department of Conservation and Recreation (DCR)'s Office of Dam Safety (ODS). The Wildlands Trust is currently under a Certificate of Non-Compliance and Dam Safety Order issued by DCR/ODS on February 22, 2008. The Order requires the Wildlands Trust to repair the dam to achieve compliance with standards or breach the dam to restore natural stream flow. The primary goal of the project is to reduce the 100-year impoundment capacity of the dam to below 15-acre feet in order to remove it from the jurisdiction of DCR/ODS and improve fish passage. Specifically, the project will include:

- Installation of a cofferdam and gravity bypass system to draw down Sylvia Place Pond while maintaining stream flow during construction.
- Excavation of an approximately 23-ft wide, 190 ft-long channel adjacent to the fish ladder and spillway, which will have the effect of reducing the impoundment capacity of the dam. The channel will have a 5-ft bottom width with 3:1 (volume:height) side slopes.
- Grading and stabilization of the new channel with a riprap base under natural streambed material.
- Filling in the spillway and abandoned fish ladder with excavated material.
- Regrading and extending an interconnecting channel between Russel Pond and Sylvia Place Pond to allow for fish passage to Russel Pond once Sylvia Place Pond is lowered (this component was added after the EENF). This requires filling a portion of Sylvia Place Pond.

The project will lower and widen the pond outlet. The larger pond outlet will increase the flow capacity from the pond which will reduce the 100-year flood impoundment capacity of the dam from 47 acre-ft to 14 acre-ft. The normal elevation of the pond will be reduced by 9 ft (from 75 ft to 66 ft). Breaching the dam will protect downstream resources and infrastructure by removing the risk of dam failure which may cause loss of life and damage to homes and roadways. In addition, the project is designed to provide ecological benefits including habitat connectivity for fish migration and population growth, an increase in dissolved oxygen, and a decrease in water temperature.

Changes to the Project Since the ENF

The project has undergone minor refinements, the most significant of which involves additional construction of an interconnecting channel between Russel Pond and Sylvia Place Pond. The Proponent has also worked with adjacent private property owners on securing an alternative construction access road that will reduce land alteration and wetlands impacts. As requested by the Division of Marine Fisheries, the project now proposes the use of a gravity bypass system instead of a pumped bypass system during the dam breach to reduce impacts to aquatic species during the construction period. This has resulted in changes to the proposed water control plan. Refinements to the project have resulted in an overall increase in wetlands

impacts, in particular, due to additional work proposed for the interconnecting channel at Russel Pond; however, the refinements would better address concerns related to fish passage, and the project is expected to have long-term positive ecological and public safety benefits.

Project Site

The 4.47-acre Sylvia Place Pond and Dam is located within the 26-acre Stewart/Pearson Preserve owned by the Wildlands Trust of Southeastern Massachusetts. The Dam consists of an approximately 275-ft long earthen embankment with an average 8-ft crest. The crest consists of a footpath between vegetated shoulders with excessively steep grades. Erosion is present and uncontrolled seepage occurs from the downstream embankment toe. The dam has an estimated maximum storage capacity of 47-acre-ft with a normal pool storage capacity of 28-acre-ft. Originally believed to be constructed to generate mill power, the pond is used primarily for recreational uses. Land uses around the pond include forested open space, low density residential development and transportation corridors.

The Pond receives flows from the Furnace Brook and Russel Pond through an open channel culvert. The dam discharges water to a spillway and fish ladder which flows to Bryant Mill Pond via a perennial stream. Flow from Bryant Mill Pond continues under Sylvia Place Road and Elm Street to Soules Pond which discharges to Furnace Brook and eventually to the Jones River.

Sylvia Place Pond provides spawning habitat for alewife (*Alosa psuedoharengus*), American eel (*Anguilla rostrata*) and blueback herring (*Alosa aestivalsis*). Portions of Furnace Brook, including the project area, are mapped as Coldwater Fisheries Resources by the Division of Fisheries and Wildlife (DFW). According to the DFW Natural Heritage and Endangered Species Program (NHESP)'s 14th edition of the Massachusetts Natural Heritage Atlas, the project area includes mapped *Estimated or Priority Habitat.* It is mapped for the Eastern Box Turtle (*Terrapene carolina*), a species of Special Concern.

Environmental Impacts and Mitigation

Environmental impacts associated with the project include the conversion of 56,081 square feet (sf) of Land Under Water (LUW) to Bordering Vegetated Wetlands (BVW) associated with lowering the impoundment capacity of Sylvia Place Pond. Additionally, the project will result in both temporary and permanent impacts to: Bank (580 lf temporary/446 lf permanent); LUW (3,920 sf temporary/69,101 sf permanent); BVW (12,009 sf temporary/12,466 sf permanent); Riverfront Area (126,357 sf temporary/71,450 sf permanent) and Bordering Land Subject to Flooding (BLSF) (188,398 sf temporary/9,411 sf permanent). There are also construction period impacts to rare species. The project involves dredging of approximately 1,102 cubic yards (cy) of sediment.

Measures to avoid minimize and mitigate Damage to the Environment include the use of sedimentation and erosion control measures and restoration of impacted resource areas including hydroseeding.

Jurisdiction and Permitting

The project is undergoing MEPA review and is subject to a mandatory EIR pursuant to Section 11.03(3)(a)(4) of the MEPA regulations because it requires Agency Actions and will result in the structural alteration of an existing dam that will cause a decrease in impoundment capacity. The project also exceeds ENF thresholds at 11.03(3)(b)(1)(d) and 11.03(3)(b)(1)(f) because it will result in the alteration of 5,000 or more sf of BVW and the alteration of ½ or more acres of any other wetlands. The project requires a Chapter 253 permit from DCR/ODS. It requires a Section 401 Water Quality Certification and may require a Chapter 91 (c. 91) authorization from the Massachusetts Department of Environmental Protection (MassDEP). The project requires a Fishway Construction Permit from the Division of Marine Fisheries. The project will receive funding from the Executive Office of Energy and Environmental Affairs (EOEEA) Dam and Seawall Repair or Removal Fund. It is subject to the MEPA Greenhouse Gas Emissions Policy and Protocol (GHG Policy).

The project will require an Order of Conditions (OOC) from the Kingston Conservation Commission (or in the case of an appeal, a Superseding Order of Conditions from MassDEP) and submittal of a Pre-Construction Notification to the U.S. Army Corps of Engineers (ACOE) seeking authorization under the General Permits for Massachusetts in accordance with Section 404 of the federal Clean Water Act.

Because the project will receive Financial Assistance, MEPA jurisdiction is broad in scope and extends to all aspects of the project that may cause Damage to the Environment, as defined in the MEPA regulations.

Review of the DEIR

The DEIR included revised plans and an expanded alternatives analysis, which quantified environmental impacts for all alternatives and provided additional analysis on downstream flooding. Comments from State Agencies are generally supportive of the project but identify minor design modifications that may be required during the permitting process. If changes to the project result in an increase in environmental impacts (e.g. wetlands impacts) compared to the project identified in the DEIR, the Proponent may need to submit a Notice of Project Change with revised Section 61 Findings as appropriate. The Proponent should consult with the MEPA Office on any project changes that may occur after the issuance of this Certificate.

Alternatives Analysis

The alternatives analysis in the DEIR expanded on the analysis included in the EENF. The DEIR described three alternatives—a No-Action Alternative, Dam Repair Alternative and Dam Breach (Preferred Alternative)—which were evaluated based on the results of hydraulic/hydrologic (H&H) modeling and fish passage requirements provided by the *Federal Interagency Nature-like Fishway Passage Design Guideline for Atlantic Coast Diadromous Fishes*. The No-Action Alternative was dismissed because the deteriorating condition of the dam could potentially lead to an uncontrolled breach. The Dam Repair Alternative consists of tree, root and brush removal along the crest of the dam; flattening of the slope on the downstream face

of the dam; establishing vegetation (grass) along the crest and downstream faces of the dam; placement of armor stone along the upstream and downstream face of the dam; and repair of the existing spillway/fish ladder. The hydraulic conditions under this scenario would be similar to existing conditions. During a flood event, when flows exceed spillway and fish ladder capacity, modeling demonstrated that excess flows can pass across the dam at the left abutment without significant threat to the integrity of the dam. The path of excess flow would require armoring. This option was dismissed because the dam and fish ladder would continue to require maintenance and inspection and this alternative would not create a more natural stream.

The alternatives analysis identified three potential channel configurations associated with the Dam Breach Alternative identified in the EENF and included a new channel configuration that would reduce downstream flooding (Alternative 1D). All alternatives have a 5-foot wide bottom channel and 3:1 side slopes. The channel configuration alternatives were designed to reduce storage capacity (i.e., the impoundment capacity of the dam) while supporting passage of river herring. Alternative 1A has a 5% (1:20) longitudinal slope. This alternative was dismissed because 5 percent is the maximum slope recommended for river herring. Alternative 1B has a 3% (1:33) longitudinal slope. Alternative 1B includes three step pools, equally spaced along the channel, created by in-channel weirs formed with boulders. Alternative 1C (Preferred Alternative) also has a 3% (1:33) longitudinal slope but does not include step pools. Alternative 1D included a 5-ft bottomed channel with 3:1 side slopes and a 3% (1:33) longitudinal slope with a stoplog weir control structure (water control structure included to reduce potential downstream flooding). The DEIR included a table identifying the impacts of each of the dam breach alternatives including downstream flooding. Alternative 1D did not achieve the Proponent's goal of reducing the impoundment capacity of the Pond, would not improve fish passage and did not significantly reduce downstream flooding; therefore, this alternative was dismissed. The Preferred Alternative was selected because it is the only alternative that could reduce storage capacity below 15-acre feet during a 2-year and a 100-year storm event.

The alternatives analysis for work proposed for the interconnecting channel between Russel Pond and Sylvia Place Pond included two alternatives: No-Action Alternative and Preferred Alternative. As originally proposed in the EENF, the project did not propose any work on the interconnecting channel (No-Action Alternative). However, due to the decrease in normal pool elevation of Sylvia Place Pond caused by the dam breach, the interconnecting channel would become longer. The steep bathymetry of Sylvia Place Pond in combination with the lower pool elevation would result in a channel with a slope of 18 percent over a length of 50 ft. The maximum recommended slope for River Herring is 5 percent. This excessive slope and potentially increased channel velocities could inhibit fish migration as indicated in DMF's comments on the EENF. The Preferred Alternative proposes regrading and extending the channel by approximately 200 ft. To facilitate this, a portion of Sylvia Place Pond will need to be filled. As described in the DEIR, the slope of the channel will be 5 percent (1:20). However, in response to comments from DMF, the Proponent is committing to work with DMF during the permitting process to reduce the slope further if existing conditions permit.

Dam Safety / Resiliency

Sylvia Place Pond Dam is designated as a significant hazard dam in poor condition by DCR's ODS. A dam is deemed to be of Significant Hazard Potential where dam failure may cause loss of life and damage to home(s), industrial or commercial facilities, secondary highway(s) or railroad(s) or cause interruption of use or service of relatively important facilities. A Poor condition rating is assigned when the dam condition presents a significant risk to the public located downstream from the dam. The spillway capacity of the dam is limited to 25 cubic feet per second (cfs) and cannot pass the spillway design flood (SDF), defined as the 100-year, 24-hour storm event for existing intermediate sized, significant-hazard dams.

To address potential effects of the project on flooding in downstream areas, the DEIR included the results of a hydrologic and hydraulic (H&H) model which was performed to guide the design of the project and to gauge its potential downstream impacts for the 24-hour 2-year, 100-year and 500-year storm event. The 500-year storm event was included to model a more intense precipitation event as requested in the Scope. The analysis included peak primary spillway outflow, peak primary spillway velocity, peak flow overtopping the dam, maximum water surface elevation of Sylvia Place Pond, and at multiple culverts located downstream from the dam including Bryant Mill Pond Culvert and Elm Street Culvert. As described in the DEIR, for smaller storm events, Bryant Mill Pond has the capacity to absorb the increased discharge from Sylvia Place Pond. However, under existing conditions, the downstream culverts at Bryant Mill Pond and Elm Street cannot adequately pass the 100-year, 24-hour storm event and flow overtops the Sylvia Place Road by 0.48 feet and Elm Street by 0.36 feet. Under proposed conditions, there is a minimal increase in the depth of water at which the roads overtop, namely, an increase of 0.23 feet at Sylvia Place Road and 0.03 feet at Elm Street compared to existing conditions. Under existing conditions, the downstream culverts at Bryant Mill Pond and Elm Street can adequately pass the 100-year, 24-hour storm, but cannot adequately pass the 500-year, 24-hour storm event; in the latter event, flow overtops the Sylvia Place Road by 0.55 feet and Elm Street by 0.38 feet. Under proposed conditions, there is an increase in the depth of water at which the roads overtop, namely, an increase of 0.28 feet at Sylvia Place Road and 0.03 feet at Elm Street. These calculations show that, while current conditions do not adequately withstand 100-year or 500-year storm conditions at certain culverts, the project does not materially change these expected conditions. The Proponent did not include precipitation data to identify impacts associated with climate change and may want to consider the incorporation of this data in future modeling.

As described in the DEIR, and based on correspondence with the Town, ponding (flooding) on the roadways is not currently an issue and it is expected that overtopping water would drain away from roadways, meaning that existing drainage infrastructure can sufficiently drain stormwater runoff from the roads. Soules Pond and a large wetland area appear to have the capacity to absorb the increased flow from Sylvia Place Pond. To mitigate potential impacts of increased downstream flooding, the slopes of the Sylvia Place Road culvert will be stabilized with rip rap within the limits of the Stewart/Pearson Preserve.

Notwithstanding the downstream flooding concerns that remain with the project design, it is clear that such downstream conditions resulting from the project are far less impactful in

comparison to an uncontrolled breach. The existing dam is in poor condition and seepage has been observed at the toe of the dam. Should the dam fail, the normal pool impoundment storage of approximately 28-acre feet up to the maximum impoundment storage of 47-acre feet would flood the existing infrastructure downstream of the dam and cause hazardous conditions.

The Town of Kingston is participating in the Municipal Vulnerability Planning (MVP) Program grant process. The MVP program is a community-driven process to define natural and climate-related hazards, identify existing and future vulnerabilities and strengths of infrastructure, environmental resources and vulnerable populations, and develop, prioritize and implement specific actions. The Town should evaluate opportunities to increase the resiliency of the downstream culverts should funds become available.

Wetlands, Waterways and Fisheries

The DEIR included a narrative that addressed the project's consistency with the Wetlands Protection Act (WPA) and implementing regulations and associated performance standards for a ecological restoration limited project. An ecological restoration limited project may result in the temporary or permanent loss of resource areas and/or the conversion of one resource area to another when such loss is necessary to the achievement of the project's ecological restoration goals pursuant to 310 CMR 10.24(8). As described in the DEIR, the project involves the restoration of hydrologic and habitat connectivity through the breaching of an existing dam. By breaching the Sylvia Place Pond Dam, the resulting water flow increase has the potential to decrease the water temperature, increase the dissolved oxygen content, and increase the fish population and migration upstream to Russell Pond. The project will result in temporary and permanent impacts to BVW, LUW, Bank, Riverfront Area, and BLSF. The Kingston Conservation Commission will review the project to determine its consistency with the Wetlands Protection Act (WPA), the Wetlands Regulations (310 CMR 10.00), and associated performance standards. A Request for Determination of Applicability (RDA) can be filed with MassDEP to determine if the dam and/or channel are within c. 91 jurisdiction. If the dam and/or channel are jurisdictional, MassDEP's Waterways Program has determined that the project would be classified as a water-dependent use pursuant to Waterways Regulations at 310 CMR 9.12. MassDEP will review the project to determine its consistency with the 401 WQC regulations (314 CMR 9.00) and Waterways Regulations (310 CMR 9.00).

The DEIR included a sediment analysis which characterized dredge sediment. All sampling results are below the allowable limits for Soil and Ground Water Standards (310 CMR 40.00). All dredged material will remain onsite and will be reused for grading the Russel Pond interconnecting channel (810 cy) and filling the existing Sylvia Place Pond dam spillway and fish ladder (160 cy). The remainder of the dredged sediment will be used for site restoration and channel bottom substrate.

As described in the DEIR, some impacts to wetlands are made necessary by the goal of restoring the natural flow of the Sylvia Place Pond and facilitating the fish passage associated with such flow. The DEIR included a proposed fish passage design to mitigate the project's effect on the channel connecting Russel Pond and Sylvia Place Pond. As described above, a major refinement of the design between the EENF and DEIR was to commit to regrading and

extending the interconnection between Russel Pond and Sylvia Place Pond in order to address concerns about fish passage. While this design represents an improvement from the no-action alternative presented in the EENF, comments from DMF indicate that the Proponent should consider options for further reducing the channel slope to ensure adequate passage for River Herring and American eel. In a response to DMF's request to reduce the longitudinal channel slope of the Russell Pond interconnection, a preliminary design analysis of the Russell Pond interconnection with the longitudinal channel slope reduced to 3 percent was conducted. This alternative would require filling a majority of Sylvia Place Pond and is not considered feasible. Additional preliminary design analysis of the Russell Pond interconnection with the longitudinal channel slope reduced to 4 percent would require an estimated 1,450 CY of fill within Sylvia Place Pond (compared to 810 cubic yards under the current design) and approximately 4,029 sf of additional permanent impacts to LUW and BLSF.[1] The proponent will continue to coordinate with DMF as part of the DMF Fishway Construction permitting process in order to establish an optimal longitudinal channel slope considering existing site limitations.

The DEIR also included spring flow analysis for the months of March, April and May and a low flow analysis to determine the flow characteristics of the proposed conditions during the spring spawning season for river herring. The analysis utilized rainfall and streamflow gauge data obtained from the National Oceanic and Atmospheric Administration (NOAA) to generate estimates of channel water depth, velocity and discharge. Comments from DMF indicate that the short duration of this data could limit the accuracy of the estimated average and range of flows. Specifically, the estimates of low water depth within the stream channels are a concern that may benefit from additional design considerations and improved hydrologic data. The Proponent is committed to working with DMF to expand the range of rainfall and stream flow gauge data to provide more accurate modeling of water depth within the proposed channel. The Proponent may want to incorporate climate change precipitation data into this modeling. The Proponent indicates that the revised modeling is not anticipated to result in significant changes to the project design and/or wetlands impacts.

Rare Species

In a letter dated January 18, 2018, NHESP determined that the project qualifies for a MESA Habitat Management Exemption pursuant to 321 CMR 10.14 provided the Proponent undertakes conditions outlined in the approval letter. The Proponent will be incorporating protective measures during deconstruction and drawdown of the impoundment including the implementation of an onsite turtle protection plan during dam removal and avoiding the drawdown of the impoundment between October 15 and April 15. Additional details of proposed mitigation measures provided below.

Construction Period

Construction is expected to occur in one phase over a 10-week period. Construction access to the dam will be via a 10-ft wide, 770-lf long access road from a Sylvia Place Road to the dam crest through private property. The proposed alignment includes utilizing a portion of an

[1] The Proponent provided a response to comments in an e-mail to the MEPA office on 3/17/20 which identified a preliminary design for lowering the channel slope for the Russel Pond interconnecting channel.

abutting property owner's (24 Sylvia Place Road) driveway to access an old ice access road leading to the Sylvia Place Pond Dam abutment. The ice access road is relatively level and wide with less vegetative growth than the surrounding area. This alternative would require minimal clearing and does not disrupt the wetland resource areas around Bryant Mill Pond. An easement will be required to construct the access road on private property (24 Sylvia Place Road). The Proponent is currently working with the property owner on securing an easement. Access to the Russell Pond interconnection channel is also limited to an existing footpath. A 10-ft wide, 210 ft long temporary access road will be constructed along the footpath.[2]

The water control plan at the time of the EENF was to draw down the pond to approximately elevation 67 with approximately 5 feet of water to be held back by a temporary sheet pile cofferdam. However, a gravity bypass system was requested by DMF in order to protect fish and aquatic habitat during construction. As a result of this, the DEIR proposed drawing down the pond to approximately elevation 71 with approximately 9 feet of water to be maintained by the cofferdam. The bypass pipe would be installed approximately 8 ft below the crest of the dam. The changes in elevation were a result of uncertainty surrounding the ability for the contractor to drive temporary sheeting to the depth necessary to install the gravity bypass to the elevation outlined in the EENF. Comments from DCR indicate that the amount of water retained by the temporary sheet pile cofferdam should be limited to 5-6 feet maximum. In response, the Proponent has agreed to lower the pond elevation to 67 ft. If subsurface conditions limit the ability of the contractor to drive temporary sheeting to a depth necessary to install the gravity bypass pipe at the appropriate location (12 ft below the existing grade of the dam crest) and the elevation can't be drawn down to 67 ft, engineer-designed steel sheet cofferdams will be utilized to hold back water during the construction period.

The project must comply with MassDEP Solid Waste and Air Pollution Control Regulations, during construction and demolition (C&D). All C&D activities should be undertaken in compliance with the conditions of all State and local permits. The DEIR outlines measures to minimize and mitigate impacts associated with construction activities. It describes BMPs that contractors must implement to provide erosion and sedimentation control, site restoration and protection of trees and wetland resource areas. The Proponent will require the contractor to submit a detailed construction sequencing plan for review and approval.

<u>Mitigation and Draft Section 61 Findings</u>

The DEIR identified measures to avoid minimize and mitigate damage to the environment and includes Draft Section 61 Findings for MassDEP, DCR and DMF.

Dam Safety/Resiliency

- Impoundment capacity for the SDF will be reduced below 15-acre ft and will remove the impoundment from the jurisdiction of DCR's ODS.
- The slopes of the Sylvia Place Road culvert will be stabilized with rip rap within the limits of the Stewart/Pearson Preserve.

[2] Additional detail on construction period impacts were provided to the MEPA office on 3/17 and 3/18.

Wetlands and Fisheries

- The project will obtain all necessary permits including an Order of Conditions from the Kingston Conservation Commission; a 401 WQC/c. 91 License/Permit from MassDEP; DMF Fishway Construction Permit and will comply with all conditions of these permits.
- Adherence to TOY restrictions for alewives and eels during both their spring immigrations (March 15-June 30) into Sylvia Pond as well as their fall (September 1-November 15) emigrations out of the system.
- The proposed channels will comply with the Federal Interagency Nature-like Fishway Passage Design Guidelines and Massachusetts River and Stream Crossing Standards to the extent practicable.
- Loaming and seeding disturbed areas to facilitate revegetation including hydroseeding exposed LUW after the pond drawdown.
- Stabilization of new channels for erosion control.

Rare Species

- Seek approval of a construction period Turtle Protection Plan prepared and implemented by a qualified biologist. Submit a Compliance Report following the completion of work documenting initial and final conditions.
- Prohibiting initiation of the pond draw down between October 15 and April 15.
- New pond elevation shall be established by October 15.
- The Proponent will submit an Eastern Box Turtle Protection Plan to the Division for review and written approval.
- Within 30 days of completion of work the Proponent will submit a brief written report including photographs shower previous and final conditions.

Construction Period

- The Proponent will obtain a Chapter 253 Permit from DCR. The Proponent will work with ODS on an appropriate water control plan and complete the project in accordance with the Dam Safety Regulations (302 CMR 10.00).
- Erosion and sediment control measures, including construction best management practices (BMPs), will be used to limit turbidity and water quality impacts during construction.
- Construction contractors will be required to prohibit the excessive idling during the construction period; including prohibiting idle time greater than 5 minutes. The contractor will be required to submit a plan for anti-idling and emissions limiting measures.
- Sylvia Place Pond shall be lowered, and the discharge channel shall be diverted using a gravity bypass culvert to minimize impacts to fish and the downstream resources. The proposed channel will comply with the Nature-like Fishway Passage Design Guidelines to the extent practical.
- Construction contractor will be required to provide a Spill Contingency Plan.

- The proposed pumping system for the Russell Pond interconnection will include a with secondary containment.
- Any solid waste found during construction activities must be disposed of at an appropriate facility. All other material not recycled will be disposed of in accordance with the Massachusetts Solid Waste Regulations.

Conclusion

Based on review of the DEIR, and consultation with State Agencies, I have determined that the DEIR adequately and properly complies with MEPA and its implementing regulations. No substantive issues or comments remain to be analyzed in a FEIR. Therefore, pursuant to Section 301 CMR 11.08(8)(b)(2) of the MEPA regulations, the DEIR will be published in the March 25, 2020 Environmental Monitor as a FEIR.

March 19, 2020
Date

K. Theoharides
Kathleen A. Theoharides

Comments received:

03/12/2020	Division of Marine Fisheries (DMF)
03/12/2020	Natural Heritage and Endangered Species Program (NHESP)
03/12/2020	Massachusetts Department of Environmental Protection (MassDEP)
03/12/2020	Department of Conservation and Recreation (DCR)

KAT/EFF/eff