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CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
ON THE
EXPANDED ENVIRONMENTAL NOTIFICATION FORM

PROJECT NAME : Wheelwright Pond Dam Removal Project
PROJECT MUNICIPALITY : Hardwick and New Braintree
PROJECT WATERSHED : Chicopee
EEA NUMBER : 16398
PROJECT PROPONENT : Raitto Industrial Park and East Quabbin Land Trust
DATE NOTICED IN MONITOR : June 23, 2021

Pursuant to the Massachusetts Environmental Policy Act (MEPA, M.G.L. c. 30, ss. 61-62I) and Sections 11.06 and 11.11 of the MEPA regulations (301 CMR 11.00), I have reviewed the Expanded Environmental Notification Form (EENF) for this project and hereby determine that Phase 1 of the project **does not require** the submission of an Environmental Impact Report (EIR) and may proceed to permitting. In a separate Draft Record of Decision (DROD) also issued today, I have **proposed to grant a Waiver** from the requirement to prepare a mandatory EIR for Phase 1. This Certificate sets forth the issues that must be addressed by the Proponents during permitting and discusses comments and recommendations submitted during MEPA review.

Upon request of the Proponents, and in a separate Certificate issued today, I have also established a Special Review Procedure (SRP) to guide the review of this project. The SRP acknowledges that the project contemplates both an Ecological Restoration component (Phase 1) and future construction of segments of the Mass Central Rail Trail (MCRT) including a 150-foot pedestrian/bike bridge over the Ware River (Phase 2). The EENF describes work, analyzes alternatives, and estimates associated impacts for Phase 1 and for the proposed bridge, although construction of the bridge will not occur until MEPA review of the MCRT component of the project is completed (Phase 2). The EENF also describes certain in-water work (scour protection) that will proceed as part of Phase 1 to facilitate the future bridge crossing planned in Phase 2. The SRP allows this phasing of the project, acknowledges that an EIR waiver will be granted for Phase 1, and sets forth the parameters for future review of Phase 2.

Project Description

As described in the EENF, Phase 1 of the project consists of removal of the Wheelwright Pond Dam in Hardwick and New Braintree to return the Ware River to a free-flowing state. Phase 2 of the project will include future construction of a new pedestrian/bike bridge over the river downstream from the existing dam. The proposed bridge will serve as an important east-west connection for the MCRT, which will ultimately connect Boston to Northampton. Elements of the proposed bridge that require in-water work will be performed as part of Phase 1 including scour protection along bridge abutments. Portions of the future MCRT will follow the alignment of construction access for Phase 1 to the east of the Ware River.

According to the EENF, dam removal is anticipated to begin with a gradual pond drawdown, which will take place over three years reducing water levels by three to four feet per year to bring the impoundment down to a free-flowing level prior to demolishing the dam. The gradual, extended drawdown approach was developed in consultation with Massachusetts Division of Fisheries and Wildlife (MassWildlife) and Massachusetts Natural Heritage and Endangered Species Program (NHESP) to minimize potential impacts to rare species. This approach to drawdown will allow gradual migration of slow-moving, water-dependent species as they adapt to changing water levels; monitoring of water levels within public water supply wells near the river corridor to evaluate whether groundwater changes are consistent with those anticipated; and gradual redistribution of impounded sediment into downstream areas.

The drawdown will occur by removing stoplog timbers from the dam's floodgates, which are located on river left of the dam's primary spillway. Permanent access will be constructed to this area from the abutting Tanner-Hiller Airport to allow periodic removal of stoplogs and maintenance of the approach area free of debris during the extended drawdown period. Once the drawdown is complete, demolition of the dam will occur, including complete removal of the dam's primary spillway, to a width of approximately 125 feet, and to its full vertical extents, and removal of the remnants of the floodgates. Cofferdams will be used to isolate the work areas during these operations. Dam removal will begin once the drawdown is complete. Sediment that migrated to the dam during the drawdown period will be excavated and stabilized primarily on river left, upstream and downstream of the floodgates concurrent with demolition activities; some sediment will also be placed and stabilized on river right. A business upstream of the dam on the western side of the pond, R.J. McDonald (a gravel washing facility), withdraws water from the pond for its operations. During dam removal, the water supply to the gravel washing facility will be maintained by creation of a new side channel leading from the river's main channel to the facility's pumping intake.

Removal of the dam will result in significant ecological and climate change resiliency benefits. Specifically, dam removal will eliminate a public safety risk, reduce maintenance requirements for the private dam owner, improve water quality, reduce flood risks, and restore natural river processes and habitat connectivity for resident aquatic species by reconnecting a total of 130 river miles. The project is proposed by the Proponents in partnership with the Massachusetts Department of Fish and Game (DFG) Division of Ecological Restoration (DER). DER selected the project as a "Priority Project" based on the breadth of its ecological benefits. Project partners have performed over three years of assessment, planning, and design work. In addition to ecological restoration and benefits to state-listed rare species

and public safety through dam removal, the project partners seek to increase recreational opportunities by developing a new river crossing for the MCRT.

Project activities associated with Phase 1 are proposed to be completed in three construction stages. Stage 1 (Preparation) includes implementation of initial elements to provide access, allow monitoring, and mitigate anticipated impacts. Stage 2 (Dam Removal) involves dam removal in three phases beginning with removing stoplogs to lower the impoundment, followed by removal of the west side of the dam (concrete spillway and adjacent areas), and ending with removal of the east side of the dam (stoplog spillway). Stage 2 also includes some limited in-water work associated with the MCRT bridge. Stage 3 (R.J. McDonald Supply Continuity Construction) includes construction of the side channel from the Ware River to maintain supply continuity to the R.J. McDonald facility. It is anticipated that dam removal and implementation of the R.J. McDonald water supply continuity projects will occur in parallel.

Potential future construction of the pedestrian/bike bridge over the Ware River as part of the MCRT as Phase 2 is included in the EENF; however, the alignment of the rail trail beyond the project limits are currently unknown, therefore, its impacts were not included in the EENF. The SRP issued separately today will guide the review of this second phase of the project.

Phase 1 Project Area

The 300-acre project corridor encompasses the area along the Ware River from the future MCRT bridge at the downstream project limits to the Route 32 bridge at the upstream limits. The Wheelwright Pond Dam is a run-of-river dam located on the Ware River between Hardwick (west side) and New Braintree (east side). It was associated with an adjacent mill and is owned by Raitto Industrial Park. The dam consists of several distinct components, with a total length of 500 feet, and a maximum structural height of 17 feet. Beginning at the west abutment, the primary spillway extends 75 feet across the river, then angles 22 degrees upstream, and then continues left 65 feet. The date of construction is unknown (drawings date to 1921). An apron of granite blocks is located downstream of the spillway. At the left end of the spillway is a concrete outlet structure with two openings, followed by a large pier that separates the spillway section from the floodgate section of the spillway. This spillway section consists of two pairs of three bays, separated by a smaller concrete pier. The bays contained wooden stoplogs that could be dislodged from their supports, opening these floodgates to release significantly more water during a large storm. The timber spillway section was likely constructed in the early 1950s. The river channel was significantly widened to accommodate this timber spillway section. The dam includes an earthen embankment extending 110 feet further to the east from the timber spillway section to an auxiliary spillway. The spillway has a concrete weir that is 40 feet long. The embankment continues to the east abutment beyond the auxiliary spillway another 150 feet.

The dam is deteriorated; it was inspected and rated in Poor condition during a required dam safety inspection in 2006. The dam is classified as an intermediate-sized, low hazard potential structure by the Massachusetts Department of Conservation (DCR) Office of Dam Safety (ODS). Although the dam owner began compliance with subsequent dam safety orders, including completing a Phase II inspection in 2009-2010, it is not financially capable of implementing needed repairs. The dam has a maximum storage capacity of 250 acre-feet. The hydraulic height of the dam is approximately 10 feet which is equivalent to the depth of water impounded under normal conditions.

On the Hardwick side of the river (river right) the dam is surrounded by an abandoned mill complex and the village of Wheelwright that contains two water supply wells operated by Wheelwright Water District (WWD). The clearing for the runway of the Tanner-Hiller Airport is located on the east side in New Braintree. It is a significant obstruction on a scenic and undeveloped section of the Ware River and a barrier to fish passage. The impoundment extends upstream from the dam approximately 2.5 miles, and immediately downstream from the dam the river is artificially wide to accommodate discharges from the spillway. Although the impoundment is narrow, the presence of the dam floods a portion of what would be surrounding floodplain and wetlands, including former oxbows, and separates stream segments that would total approximately 130 miles of connected river corridor and habitat. An upstream gravel mining and washing business (R.J. McDonald, Inc.) draws water from the impoundment formed by the dam. Two municipal wastewater treatment facilities (WWTF) discharge to the Ware River in or near the project area – the Town of Barre Wastewater Treatment Plant (upstream of the dam) and the Hardwick–Wheelwright Water Pollution Control Facility (downstream of the dam).

The dam is located 3.1 miles downstream of Wheelwright Road (Route 32) in Ware and 1.8 miles upstream of Hardwick Road in Hardwick and New Braintree. The Ware River flows through Worcester and Hampden counties, and joins with the Quaboag River in Palmer to form the Chicopee River, which is the largest single tributary to the Connecticut River. The drainage area to the dam is approximately 129 square miles and primarily composed of forested areas with less than 10 percent developed land and approximately 10 percent wetlands. Barre Falls Dam in Hubbardston is located approximately 10 miles upstream of Wheelwright Pond Dam and is a U.S. Army Corps of Engineers (ACOE) flood control dam that substantially reduces flooding along the Ware, Chicopee, and Connecticut Rivers. The closest upstream dam is South Barre Mill Pond Dam in Barre (4.5 miles). The closest downstream dam is the Ware Industries Upper Dam in Ware (nine miles). Wheelwright Pond Dam does not affect flood levels or operations at the neighboring dams.

Wetland resource areas present in the vicinity of the project site include Bordering Vegetated Wetlands (BVW), Bank, Land Under Water (LUW), Riverfront Area (RFA), and Bordering Land Subject to Flooding (BLSF). Several certified vernal pools are present near the river corridor, including three east of Tanner-Hiller Airport and three east of the Ware River near the upstream limits of the impoundment, where water levels are not expected to change significantly. Several MassWildlife Coldwater Fisheries Resources (CFR) are located near the dam. The dam is located within a Massachusetts Department of Environmental Protection (MassDEP) mapped potentially productive medium yield aquifer. The project area is located within mapped habitat of five state-listed rare species.

Environmental Impacts and Mitigation Measures

Phase 1 will improve water quality; restore stream connectivity, sediment transport, and fish passage; improve resiliency; and remove a deficient dam. The EENF describes the impacts associated with dam removal in Phase 1 which includes scour protection along abutments proposed for use by the future MCRT bridge (Phase 2). Due to the nature of the project, permanent conversion of wetland resource areas is unavoidable, and certain impacts for each component overlap. The project will restore free flowing riverine conditions which will permanently convert some resource areas. Dam removal is estimated to result in a net loss of 0.97 miles of Bank, 35.9 acres of BVW, 22.1 acres of LUW, and 7.37 acres of BLSF; it is anticipated to increase RFA by 5.65 acres. Direct impacts associated with dam

removal will include Bank (730 sf permanent and 150 sf temporary); LUW (40,020 sf permanent and 20,350 sf temporary); BLSF (47,240 sf permanent and 1,870 sf temporary); RFA (85,130 sf permanent and 1,870 sf temporary); and dredging of 5,500 cy of material. Direct impacts associated with the R.J. McDonald water supply intake include 50,600 sf of RFA and 115,100 sf of BLSF, and dredging of 14,000 cy; this component will result in an increase in 7,000 net cy of flood storage, 1,200 net lf of Bank, and 23,500 net sf of LUW. Direct impacts associated with the MCRT bridge include BLSF (11,000 sf temporary) and RFA (24,300 sf permanent and 27,800 sf temporary).

Measures to avoid, minimize, and mitigate impacts include: adherence to time-of-year (TOY) restrictions; removal of impervious area associated with the dam; bank stabilization and armoring to minimize erosion effects from increase in water velocity in this section of the river from lowering of surface waters in the existing impoundment following dam removal; consistency of the future proposed bridge with the Massachusetts Stream Crossing Standards (MSCS); and implementation of construction period best management practices (BMPs).

Permitting and Jurisdiction

The project is subject to MEPA review and a mandatory EIR pursuant to 301 CMR 11.03(3)(a)(1)(a), 11.03(3)(a)(1)(b), and 11.03(3)(a)(4) because it requires State Agency Actions and will result in alteration of one or more acres of BVW and 10 or more acres of other wetlands, and structural alteration of an existing dam that causes a decrease in impoundment capacity. The project also exceeds Environmental Notification Form (ENF) review thresholds at 301 CMR 11.03(3)(b)(1)(b) for alteration of 500 or more lf of Bank and 11.03(3)(b)(4) for dredging of 10,000 or more cy of material. The project will require a Section 401 Water Quality Certificate (WQC), a Chapter 91 (c. 91) Dredge Permit, and a c. 91 Waterways License from the Massachusetts Department of Environmental Protection (MassDEP), a Chapter 253 Dam Safety Permit from DCR ODS, and review pursuant to the Massachusetts Endangered Species Act (MESA) by NHESP. It is subject to the MEPA Greenhouse Gas (GHG) Emissions Policy and Protocol (GHG Policy).

The project will require an Order of Conditions (OOC) from the Hardwick, New Braintree, and Barre Conservation Commissions (or in the case of an appeal, a Superseding Order of Conditions from MassDEP);¹ authorization under the General Permits for Massachusetts from the U.S. Army Corps of Engineers (ACOE) in accordance with Section 404 of the federal Clean Water Act; review by the Massachusetts Historical Commission (MHC) acting as the State Historic Preservation Officer (SHPO) pursuant to Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended (36 CFR 800); and a National Pollutant Discharge Elimination System (NPDES) construction permit from the U.S. Environmental Protection Agency (EPA).

The project is receiving financial assistance from the Commonwealth including from DER, one of the project partners, and the Massachusetts Dam and Seawall Repair and Removal Grant Program. Therefore, 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.

¹ The Proponents will seek an Ecological Restoration OOC for the dam removal from the Harwick, New Braintree and Barre Conservation Commissions. The other two components of the project (R.J. McDonald water intake and MCRT pedestrian bridge) will require an OOC from the respective towns they propose to occur within.

Waiver Request

In accordance with Section 11.05(7) of the MEPA regulations, the Proponents submitted an EENF with a request that I waive the requirement for a mandatory EIR for Phase 1.² The EENF identifies the project's consistency with the criteria for a Waiver and was subject to an extended comment period pursuant to Section 11.06(1) of the MEPA regulations. The Waiver request was discussed at the remote consultation session for the project. I have reviewed the EENF and the Waiver request and I hereby find that the project meets the standards for a Waiver at 301 CMR 11.11. Comment letters from State Agencies and others identify strong support for the project and Waiver request and do not identify additional alternatives or mitigation measures that warrant additional analysis through an EIR. The project is a collaboration of local and state partners working together to restore natural river processes, improve fish passage, and reduce potential flooding in the vicinity of the project site. The local, state, and federal permits required for this project will result in additional review from regulators and opportunities for public input.

Review of the EENF

The EENF describes Phase 1 and bridge construction in Phase 2, provides plans of existing and proposed conditions (for dam removal, R.J. McDonald water supply, and the MCRT bridge), identifies environmental resources, and analyzes alternatives for Phase 1 and bridge construction in Phase 2. It includes a description of impacts associated with dam removal, R.J. McDonald water supply, and the MCRT bridge. Because the alignment of the MCRT to the east and west of the proposed bridge is unknown, the EENF does not describe impacts associated with the alignment. It includes a summary of results of sediment quality sampling and hydraulic modeling, and a Sediment Management Plan. The technical basis for the proposed alternatives for Phase 1 is described in detail in a document entitled "Wheelwright Pond Dam Removal – Basis of Design Memorandum" (EENF Appendix F). The Proponents submitted supplemental information on July 28, 2021 to provide a response to comments from MassDEP. For purposes of clarity, all supplemental materials are referred to herein as the "EENF" unless otherwise referenced.

Almost all comment letters received express strong support for removal of the dam based on the significant ecological benefits that will be provided by the project. Phase 1 (dam removal and R.J. McDonald water intake) and Phase 2 (MCRT bridge) may involve some overlap during construction; however, the permitting for these phases will largely occur separately. The EENF requests that I establish a SRP to govern MEPA review of Phase 1 and Phase 2 of the project based on their distinct development and permitting schedules. The SRP will allow Phase 1 (an ecological restoration project involving removal of Wheelwright Pond Dam) to proceed through MEPA review and permitting prior to Phase 2 (construction of a rail trail downstream of the dam including the bridge over the Ware River). The EENF demonstrates that proceeding with Phase 1 will not foreclose future alternatives for Phase 2, such that segmentation of these two phases for purposes of MEPA review appears appropriate to accommodate the distinct permitting and construction schedules for these two phases. As noted, the bridge crossing contemplated in Phase 2 will not be constructed prior to completion of MEPA review of

² The project was not eligible to receive a Phase One Waiver under 301 CMR 11.11(4) because the potential impacts of Phase 1 alone exceeded mandatory EIR thresholds and, therefore, cannot be deemed "insignificant" under 301 CMR 11.11(4)(a). I am, instead, granting this request for a waiver of the EIR requirement for Phase 1 and allowing for segmented review of Phase 2 under the SRP issued separately today.

such phase pursuant to the SRP; accordingly, the Proponents may continue to consider all feasible alternatives to the bridge crossing until final design is complete. Comments from State Agencies do not identify concerns with the proposed SRP.

Alternatives Analysis

The EENF includes an analysis of several alternatives for components in Phase 1 including dam removal, sediment reuse or disposal, and water supply for R.J. McDonald and the MCRT bridge in Phase 2, and compared alternatives based on environmental benefit, protection of public health, costs, and construction-period impacts.

The EENF includes evaluation of the No Action Alternative relative to the dam and various Breach Width alternatives including Full Breach (Preferred Alternative). The No Action Alternative would maintain the status quo and leave in place a deteriorated run-of-the-river dam, which would continue to act as a barrier to fish passage. Sediment would continue to migrate and ultimately, the dam would fail in an uncontrolled way, resulting in unplanned and unmonitored sediment discharge, which would impact state-listed species and leave the R.J. McDonald facility without a water supply. Repairs and maintenance would be required in the interim to avoid dam failure. The EENF analyzes several Breach Widths for the dam including 45 feet, 68 feet (bankfull width), 90 feet, and 125 feet (full breach). Each of the Breach Width alternatives would yield a non-jurisdictional dam relative to ODS criteria since no water would be impounded under normal or flood-flow conditions; however, the Full Breach Alternative was selected as the preferred alternative to promote additional river restoration in addition to providing free movement of aquatic organisms and allowing continuity of proposed bank restoration treatments.

The ENF considers the following Sediment Reuse or Disposal alternatives: Unrestricted In-Stream Management; Grade Control; Dredging in advance of Dam Removal; and Gradual Draw-down with In-stream Management (Preferred Alternative). The Unrestricted In-stream Management Alternative was not selected given the presence of state-listed species that may be impacted by uncontrolled sediment movement. The Grade Control Alternative is likely infeasible based on the relatively uniform distribution of sediment upstream of Wheelwright Pond Dam; grade control would need to be established at a number of points between the dam and upstream end of the impoundment, which would increase costs and result in significant environmental impacts. The EENF indicates that while a limited volume of mechanical dredging and stabilization is anticipated to safely remove the dam, the Dredging in advance of Dam Removal Alternative would require mechanical dredging of the total volume of mobile sediment from the affected length of the river in advance of the drawdown. This alternative is not favored because sediment deposits are relatively thin and diffuse throughout the upstream channel, and access to the river and sediment disposal would cause significant impacts. Gradual Draw-down with In-stream Management was selected as the Preferred Alternative since it will allow for deliberate drawdown and monitoring of sediment movement, species habitat, and water levels in the WWD public water supply wells that are located near the impoundment.

The EENF evaluates the following alternatives to supply water from the Ware River upstream of the existing dam to R.J. McDonald following dam removal: Installation of a New Groundwater Well; Northerly River Intake; and Southerly River Intake. The Installation of a New Groundwater Well Alternative was not selected because it was unclear whether wells could meet facility supply needs and

whether there would be an adverse impact on public water supplies. The Northerly River Intake Alternative is anticipated to be similar in cost to installation of a groundwater well and would likely cause greater direct disturbance to the river. The Southerly River Intake Alternative is preferred by the property owner since it is consistent with their operations, and would create Bank and LUW, and increase flood storage; maintenance will be required to ensure adequate supply.

The EENF preliminarily considers the following connections for the MCRT Bridge: River Crossing at Dam; Historical Alignment; Mill Street Crossing; and Short Span Crossing (Preferred Alternative). The River Crossing at Dam Alternative was dismissed because it would involve multiple challenges including unstable building remnants, hazardous materials, engineering, and service life of existing materials. The Approximate Historical Alignment Alternative was not selected because there is no feasible way to align the rail trail through this area without impacting wetland resource areas, which may cause minor increases in flood elevations and encroach on the floodway. The Mill Street Crossing Alternative is not preferred because it would cross the river upstream from the dam, from the end of Mill Street, and involve a long span and a mixed traffic section of trail. The Short Span Crossing Alternative was selected as the Preferred Alternative because it requires the shortest bridge span across the river which reduces environmental impacts, lower overall initial construction costs and lower long term maintenance costs.

MassDEP comments indicate the Proponents should evaluate an alternative for the bike path that involves no new crossing of the Ware River; it suggests a short re-route of the trail along Hardwick Road/Ravine Road and McEvoy Road. Supplemental information indicates that the Proponents evaluated a MCRT alternative along Ravine Road and found this alternative inconsistent with the project goal of expanding the MCRT. Neither Hardwick Road nor Ravine Road have sidewalks or a sufficiently wide surface area to accommodate the standard rail trail width of 10 feet that meets ADA standards, and the ability to widen both roadways is constrained by the presence of several streams and wetlands. The proposed bridge crossing was selected as the preferred alternative because it requires less environmental impacts as compared to all other alternatives analyzed, is cost effective, and supports the goal of establishing the MCRT on the former railroad bed corridor from Northampton to Boston. MassDEP comments also question what assurances have been made to place the future unknown path of the rail trail on portions of adjacent parcels that fall outside the historical footprint of the railroad ROW. Supplemental information indicates that the East Quabbin Land Trust currently owns sections of the former rail bed south of the proposed bridge crossing location and has been improving these former rail beds for public use over the last several decades. The pedestrian bridge will not be advanced to construction until written agreements are in place with adjacent landowners to ensure that a “bridge to nowhere” is not constructed.

Wetlands and Waterways

While Phase 1 of the project will restore ecological processes within the project area on a long-term basis, it will result in unavoidable permanent and temporary impacts to wetland resource areas (Bank, BVW, LUW, BLSF, RFA and associated buffer zones). The project is proposed as an Ecological Restoration Project (ERP) pursuant to 310 CMR 10.13. The Hardwick, New Braintree, and Barre Conservation Commissions will review the project to determine its consistency with the ERP provisions of the Wetlands Protection Act (WPA), the Wetlands Regulations (310 CMR 10.00), and associated performance standards, including the Massachusetts Stormwater Management Standards (SMS).

MassDEP will review the project to determine its consistency with the 401 WQC regulations (314 CMR 9.00) and c. 91 Waterways Regulations (310 CMR 9.00).

Comments from the MassDEP Waterways Regulation Program (WRP) indicate it has determined that this project is a water-dependent use project pursuant to 310 CMR 9.12(2)(a)4, 9, 11, and 15. Demolition or removal of any unauthorized fill or structures to facilitate water-dependent use does not require a license, provided written approval is obtained from MassDEP pursuant to 310 CMR 9.05(3)(m), because said removal will facilitate water-dependent use by improving navigability and enhancing wildlife and fish habitats. Although aspects of this overall project may not be subject to c. 91 licensing/permitting, WRP has determined that the construction of the new pedestrian crossing over the Ware River is subject to licensing pursuant to 310 CMR 9.05(1)(a). Because the project proposes “dredging” as defined in 310 CMR 9.02, which includes but is not limited to, stream restoration and creation of a channel to a gravel washing facility, the Proponents are required to also obtain a c. 91 Permit to authorize said dredging activities pursuant to 310 CMR 9.05(2)(b).

Phase 1 will require approximately 43,500 cy of sediment management. Dam removal will require a 401 WQC for dredging (BRP WW07) for the passive release of sediments during dam removal, and for any other dredging below the Ordinary High Water Mark of the Ware River. A 401 WQC for the Discharge of Dredged or Fill Material (BRP WW10 or 11) will be required for any fill material in excess of 5,000 sf proposed to occur within Waters of the U.S. within the Commonwealth. Any dredged sediments should be assessed, managed, and disposed in accordance with conditions of a 401 WQC Permit as detailed in the *MassDEP Interim Policy COMM 94-007 Sampling, Analysis, Handling & Tracking Requirements for Dredged Sediment Reused or Disposed at Massachusetts Permitted Landfills and regulation 314 CMR 9.00*. The Proponents will file a c. 91 License Application with MassDEP for construction of the proposed MCRT bridge over the Ware River. A c. 91 License may also be required for any other structures proposed to be installed below the post-dam-removal High Water Mark of the Ware River as a result of the R.J. MacDonald water intake. The Proponents will file a combined c. 91 Dredge Permit and WQC application (BRP WW 26) to address work associated with the dam removal and dredging activities within the Ware River. The Proponents should continue to work with MassDEP to ensure the appropriate management of sediment occurs during 401 WQC/c. 91 License/Permit processes.

MassDEP comments indicate that the dam removal project appears to qualify as an Ecological Restoration Limited Project per the WPA regulations. The R.J. McDonald water intake and MCRT bridge components of the project will need to meet the general performance standards of the applicable resource areas impacted by those components, with the exception of RFA for the multi-use trail project, where pre-existing rail infrastructure will be used. The Proponents should provide additional analysis of regulatory compliance for these two components in permit applications and as part of the Phase 2 review subject to the SRP established today.

Dam removal is anticipated to increase flood storage within the project area. Modeling of the 100-year floodplain will be further refined as the project progresses and the boundaries of the redefined BLSF become more clear. BLSF is delineated by reference to the most recently available flood profile data prepared under the National Flood Insurance Program (NFIP, currently administered by the Federal Emergency Management Agency (FEMA)). It is anticipated that a Letter of Map Revision (LOMR) will need to be filed with FEMA to update the FIRMs in Hardwick, New Braintree, and Barre.

Supplemental information addresses MassDEP comments regarding sediment relocation within existing and anticipated BLSF up- and downstream of the dam. On drawing sheets C103 through C104, dredged sediment is generally proposed to be relocated below Mean Annual High Water (MAHW) and Bank, with minor quantities placed landward of Bank within BLSF. The EENF includes extensive hydrologic and hydraulic modeling which demonstrates that the project results in a net reduction in flood levels for all storm events. The proposed channel grading in the area shown on sheets C103 through C104 is to beneficially reuse sediment, to the extent that it is available, to restore the artificial channel over-widening that was constructed in the 1940s as part of the dam expansion to a more natural and appropriate width, with no impacts to flooding. Giving the significant site constraints, the only practicable alternative to the beneficial reuse of sediment in this location is to transport it off-site for disposal. As requested by MassDEP, all regulatory boundaries will be more clearly shown on the project plans that area ultimately submitted during the permitting process. As discussed in the EENF, impacts to BVW that are expected to occur as a result of the dam removal are counted in the overall BVW loss impact number. The initial impact to BVW for construction access to the dam to accommodate the removal, and which will later become the rail trail, is approximately 4,700 sf.

The project includes potential clearing of 46,600 sf in the north-west corner of the airport runway, which would provide benefits to Grasshopper Sparrow by expanding the total grassland size. The area proposed for potential Grasshopper Sparrow habitat enhancement will occur within a vegetated section of RFA. MassDEP comments indicate that while this area may have been historically cleared in association with operations at the Tanner-Hiller Airport, aerial imagery suggests that it has been revegetating for at least 20 years. As recommended by MassDEP, the Proponents should provide additional information in the Notice of Intent (NOI) regarding alternative locations for habitat enhancement which will not involve clearing of vegetated RFA; a habitat enhancement plan for Grasshopper Sparrow including details regarding the composition of the existing vegetative community within the proposed work area and the proposed seed mix; and an explanation of how the Grasshopper Sparrow habitat restoration meets the performance standards for RFA pursuant to 310 CMR 10.58(4) or how this work qualifies as an ERP. Supplemental information indicates that the proposed habitat enhancement for the Grasshopper Sparrow was developed at the request and in consultation with MassWildlife and NHESP; it is neither proposed for habitat mitigation nor is critical to the success of the overall project. The location of the proposed habitat enhancement was selected as the most suitable location due to site ownership constraints and past land management activities. Specific plans for habitat enhancement and associated tree removal will be discussed with MassWildlife and NHESP and reevaluated prior to beginning the regulatory process. If consensus cannot be reached between MassWildlife, NHESP, and MassDEP on an acceptable alternative, the Proponents will not advance this aspect of the project.

Implementation of the multi-year drawdown will require continued access to the river left/easterly side of the dam during the drawdown duration. This access will be accommodated by construction of an earthen causeway and box culvert across a Ware River side channel located downstream from the dam's emergency spillway, which is located east of the main channel. The approach from the east to the causeway will be over the grounds of Tanner-Hiller Airport, using an existing access cart path that will be improved to avoid bogging during wet weather periods. The proposed causeway will continue south of the dam along the top of the river's main channel left bank and will be used for construction access for sediment stabilization. An additional pair of small culverts

will be added through the causeway to equalize water between the Ware River main channel and easterly channel. The proposed grading changes will extend to and below the river's delineated bank downstream from the floodgates; temporary riprap will be added at this location to resist scour, since flows through the floodgates will be oriented toward this slope for an extended duration.

Supplemental information responds to MassDEP comments for clarification regarding how the sizing was determined for the culvert proposed to cross the existing outflow of the emergency spillway. It indicates that the proposed culvert was sized with the understanding that the existing channel will no longer receive stream flow during most flow events once the dam weir boards and the dam are removed. Its location, approximately 50 feet downstream from the emergency spillway, which is itself a significant obstruction on the side channel, means that there are no significant stream connectivity benefits to be gained from a wider opening. In addition, at just below 10 feet in width, the proposed culvert is wide enough that significant clogging with debris during the rare periods that flow will occur is not anticipated. Furthermore, the side channel width is variable in this segment, with an artificially wide portion of 50 feet at the spillway, narrowing and then expanding again to approximately 20 feet farther downstream. A bridge length of approximately 24 feet, to span 1.2 times the bankfull width following the MSCS, would be very costly to support the highway-type loads that will be required for construction equipment access. The Proponents will address the MSCS for this crossing to the maximum extent practicable as part of the regulatory process. Bank impacts associated with the culvert are included in the overall project impact values, similar to BVW impacts, and are approximately 100 lf.

Supplemental information responds to MassDEP comments regarding invasive species management. It indicates that exposed sediment's through the former dam impoundment will naturally revegetate from the present native seedbank, which typically occurs within one or two growing seasons following pond drawdown for most dam removals. It notes that few invasive plants exist within the project limits and along the Ware River. The Proponents will develop and submit a monitoring plan and an invasive species control plan as part of the regulatory process. The Proponents should also develop a post-construction monitoring program that addresses sediment management and channel and bank stability.

Rare Species and Fisheries

The project and construction access are located within *Priority Habitat* of state-listed species in accordance with the Massachusetts Natural Heritage Atlas (14th Edition). The following species are protected under the MESA (M.G.L. c. 131A) and its implementing regulations (321 CMR 10.00): Spine-Crowned Clubtail (a dragonfly of Special Concern); Creeper (a mussel of Special Concern); Wood Turtle (Special Concern); Grasshopper Sparrow (Threatened); and Twelve-Spotted Tiger Beetle (Special Concern). State-listed wildlife are also protected under the WPA (M.G.L. c. 131, s. 40) and its implementing regulations (310 CMR 10.00). Comments from MassWildlife identify strong support for the project and emphasize the numerous environmental benefits associated with dam removal. The project will reconnect downstream and upstream river habitat, restoring a total of 13.5 miles of continuous free-flowing main stem river habitat and 108 miles of river habitat including tributaries. Once the dam is removed, the project will reconnect multiple CFRs within 3.5 miles of the project location and free stocked trout to move between upstream and downstream river sections. The project will restore natural sediment transport downstream and stream flow patterns and will reduce the warming effect of the existing 2.5-mile-long impoundment which impact CFR.

MassWildlife comments anticipate that the dam removal portion of the project will be reviewed pursuant to 321 CMR 10.14(15). The project will benefit state-listed species through adherence to a NHESP-approved habitat management plan and conditions. The Proponents proactively consulted with MassWildlife on a pre-filing basis to avoid, minimize and mitigate impact to state-listed species and their habitat associated with the project. The dam removal incorporates measures that take into consideration concerns regarding state-listed species. MassWildlife supports the slow, multiyear drawdown to allow monitoring of the effects to state-listed species, water supply, and infrastructure. The slower drawdown will allow for adaptive management of sediment emerging from the impoundment to avoid smothering Creeper mussels and ensure better recovery from dewatered habitats. MassWildlife has scheduled field surveys for mussels during 2021 to determine the full extent of suitable habitats in the impoundment and inform development of protective measures during the drawdown. The precise timing of the drawdown is still uncertain, but MassWildlife initially proposes that the drawdown occurs in late summer to avoid excess thermal and reproductive stress on aquatic species, including the Wood Turtle, Creeper, and native fishes. Removing the dam will re-introduce the natural hydrology and provide regular redistribution of exposed gravel/sand bars within the waterways, which are important larval and foraging areas for the Twelve-Spotted Tiger Beetles. More natural river dynamics should also result in scouring on the banks, as well as periodic sloughing, which are also important processes for creating and maintaining larval and foraging areas.

Construction access is proposed from the Tanner-Hiller Airport on the east side of the Ware River within habitat for Grasshopper Sparrow. MassWildlife comments indicate that excluding certain aspects of work between May 1 and July 15 may be necessary to avoid impact to nesting birds depending on the final extent and location for access. The project includes potential clearing of 46,600 sf in the north-west corner of the airport runway, which would provide substantial benefits to Grasshopper Sparrow by expanding the total grassland size. Cutting of trees in this area and conversion to grassland communities would also restore the specialized vegetative community that has historically occurred at this site. The airport has an intact heath community that would be able to immediately respond to release of the canopy closure, shifting the vegetative biomass from a dense high canopy to a dense ground cover with a complete and stable root presence.

MassWildlife comments anticipate that the R.J. McDonald water supply intake and MCRT bridge components of the project will require formal MESA Review pursuant to 321 CMR 10.18 following completion of MEPA review. It is likely that these components will be able to proceed subject to conditions without the need for a MESA Conservation and Management Permit (CMP) provided there is minimization of bank hardening/scour protection.

Water and Wastewater

According to the EENF, the reduction in water levels in the Ware River associated with the proposed dam removal is anticipated to cause a reduction in groundwater levels in the vicinity of the river. Data collection and modeling indicate that this reduction is not anticipated to impact the ability of the WWD to provide a reliable supply to its approximately 300 customers with 84 service connections. The project will support the installation of water level meters in the WWD's two production wells, Wells #2 and #3 to ensure that neither well is negatively impacted from the dam removal and to confirm the modeling results. Water levels in the WWD public water supply wells will be monitored before,

during and after drawdown. The information will be used in conjunction with sediment and rare species information to evaluate whether adaptation of the dam removal plan is necessary while it is being conducted.

The EENF includes an evaluation of the effluent limitations in the NPDES discharge permits for the Barre and Hardwick-Wheelwright WWTFs which are in proximity of the dam to determine whether they would be influenced by the dam removal. The EENF indicates that river level changes at the Barre facility will be negligible, and there will be no river level changes at the Hardwick-Wheelwright facility given that the dam does not provide flood flow attenuation. All other changes to input parameters for effluent limitations will also be negligible. Consequently, no changes to effluent limitations are anticipated at either municipal WWTF.

Climate Change and Resiliency

The protection and restoration of wetlands play an increasingly important role in promoting ecosystem resiliency and mitigating climate change impacts. Phase 1 of the project is proposed to restore natural riverine processes, reestablish fish passage, and improve habitat value. The EENF includes a detailed climate change assessment for the project. According to the EENF, climate science data and projects were used in evaluating risk and impacts associated with the amount, frequency and timing of precipitation and increases in frequency of storm events. The effects of climate change were incorporated in the hydrologic analysis following the methodology outlined by the National Oceanic and Atmospheric Administration (NOAA) Fisheries Service that includes calculating the peak flow rates using the entire gage period of record, the pre-1970 data only, and the post-1970 data. The design flows for the dam were developed using data from 1970 to the present from a USGS Stream Gage on the Ware River at Gibbs Crossing to account for climate change. Removal of the Wheelwright Pond Dam is anticipated to lower upstream water surface elevations and proposed downstream work is not anticipated to cause a rise in base flood elevations. The restoration is anticipated to increase the available flood storage in the floodplain relative to existing conditions.

Greenhouse Gas Emission (GHG)

Phase 1 is subject to review under the GHG Policy because it exceeds thresholds for a mandatory EIR. The GHG Policy specifically includes a de minimis exemption for projects that are expected to produce minimal GHG emissions. As Phase 1 is an ecological restoration project involving dam removal and restoration of natural stream processes, GHG emissions will be limited to the construction period of the project. As such, this project falls under the GHG Policy's de minimis exemption; therefore, the Proponents were not required to submit a GHG analysis in conjunction with the EENF. The Proponents should encourage the use of low-sulfur diesel, diesel retrofit equipment, and require that contractors minimize idling of equipment to minimize GHG emissions.

Construction Period

The project will occur in stages. Phase 1 is anticipated to commence in 2022. Dam removal activities will involve site preparation (e.g., staging, installation of erosion sedimentation control barriers and establishment of dewatering basins). Sedimentation and erosion controls will be used during construction to minimize impacts to wetlands and water quality. 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. I encourage the Proponents to require contractors to install emission control devices on all off-road construction vehicles in an effort to reduce emissions of volatile organic compounds (VOCs), carbon monoxide (CO) and particulate matter (PM) from diesel-powered equipment. Off-road vehicles will be required to use ultra-low sulfur diesel fuel (ULSD). If oil and/or hazardous materials are found during construction, the Proponents should notify MassDEP in accordance with the Massachusetts Contingency Plan (310 CMR 40.00).

Conclusion

Based on a review of the information provided in the EENF and consultation with the relevant public agencies, I find that the potential impacts of Phase 1 do not warrant further MEPA review. Outstanding issues may be addressed during the local, State, and federal permitting processes. As noted, review of Phase 2 will proceed under the SRP issued separately today.

I have also issued today a DROD proposing to grant a Waiver from the requirement to prepare an EIR for the project. In accordance with 301 CMR 11.15(2), the DROD will be published in the next edition of the *Environmental Monitor* on August 11, 2021 which will commence the public comment period. The public comment period lasts 14 days and will conclude on August 25, 2021. Based on written comments received concerning the DROD, I shall issue a Final Record of Decision (FROD) or a Scope within seven days after the close of the public comment period, in accordance with 301 CMR 11.15(6).

July 30, 2021

Date



Kathleen A. Theoharides

Comments received:

07/15/2021	Connecticut River Conservancy (CRC)
07/19/2021	Massachusetts Division of Ecological Resources (DER)
07/21/2021	Massachusetts Department of Conservation and Recreation (DCR)
07/21/2021	Massachusetts Department of Environmental Protection (MassDEP) – Western Regional Office (WERO) and Central Regional Office (CERO), and MassDEP Waterways Regulatory Program
07/22/2021	Hardwick Conservation Commission
07/26/2021	Massachusetts Board of Underwater Archaeological Resources (BUAR)
07/26/2021	Massachusetts Division of Fisheries and Wildlife (MassWildlife)

KAT/PPP/ppp



July 15, 2021

Secretary Kathleen A. Theoharides
Executive Office of Energy and Environmental Affairs
Attention: MEPA Office, Anne Canaday
100 Cambridge Street Suite 900
Boston, MA 02114

EEA #: 16398: Wheelwright Pond Dam Removal Project, Ware River, Hardwick & New Braintree

Dear Secretary Theoharides,

I am submitting comments on the Wheelwright Pond Dam Removal Project on behalf of the Connecticut River Conservancy (CRC). CRC is a nonprofit group that was established in 1952 as the Connecticut River Watershed Council, Inc. to advocate for the protection, restoration, and sustainable use of the Connecticut River and its four-state watershed.

CRC supports the proponent's request for a waiver of the mandatory Environmental Impact Report (EIR) under 301 CMR 11.11(5). This exciting project will provide substantial environmental and community and resiliency benefits, such as restoring natural river processes, reconnecting Coldwater Fishery Resources, enhancing climate and community resilience, improving water quality, and enhanced public recreation opportunities.

We understand determinations for an EIR Waiver are based on whether "the project is likely to cause no damage to the environment" and "ample and unconstrained infrastructure facilities exist to support the project" (301 CMR 11.11(3)). Requiring an EIR will not result in substantial improvements to the project and the environment (301 CMR 11.11(2)), and it will divert project costs. Our understanding is that there has already been much data collected (the EENF is itself quite long!) and analysis of environmental impacts. These analyses clearly detail the environmental and community benefits of the project, and the proposed design incorporates strategies to minimize and avoid negative environmental impacts. This project is also supported by state agencies with decades of restoration experience.

I urge you to favorably consider this waiver request. CRC appreciates the opportunity to provide comments to the MEPA office. I can be reached at adonlon@ctriver.org or (413) 772-2020 x.205.

Sincerely,

Andrea F. Donlon
River Steward

Cc: Carley Przystac, MA DER
Keith Davies, Chicopee 4Rivers Watershed Council
Kristopher Houle, MA DER



Massachusetts Department of Fish and Game

Division of Ecological Restoration

Invested in Nature and Community

*Beth Lambert, Director
Hunt Durey, Deputy Director*



Charles D. Baker
Governor
Karyn E. Polito
Lieutenant Governor
Kathleen A. Theoharides
Secretary
Ronald S. Amidon
Commissioner

July 19, 2021

Secretary Kathleen A. Theoharides
Executive Office of Energy and Environmental Affairs
Attention: MEPA Office, Purvi Patel
100 Cambridge Street, Suite 900
Boston, MA 02114

RE: EEA No. 16398 / Wheelwright Pond Dam Removal Project – Hardwick & New Braintree

Dear Secretary Theoharides:

The Massachusetts Division of Ecological Restoration (DER) supports the request by the East Quabbin Land Trust's and Raitto Industrial Park for a waiver of the mandatory Environmental Impact Report (EIR) under 301 CMR 11.11(5) for the Wheelwright Pond Dam Removal Project. DER agrees with the proponent that an EIR would result in undue hardship and that the project meets the EIR waiver requirements, including that an EIR would "not serve to avoid or minimize damage to the environment" and that "the project is likely to cause no damage to the environment".

The proponents have been working closely with DER on this project since 2018 when it was accepted as a *Priority Project* for river restoration. It has received state financial support from DER and the Executive Office of Energy and Environmental Affairs' Dam & Seawall Repair or Removal Grant Program. The project will remove the Wheelwright Pond Dam, reconnect 41 upstream river miles, and enhance recreational opportunities by extending the Mass Central Rail Trail over the Ware River. The project has many environmental and community resiliency benefits including restoring natural river processes, providing coldwater climate change refugia, improving water quality, removing obsolete infrastructure, and providing improved passive recreation. DER staff are participating on the technical team guiding design, permitting, and eventual implementation. This ecological restoration project is similar to several DER-supported dam removal projects for which EIR waivers have been granted recently, such as Monatiquot River Restoration (#16224), Town River Restoration (#16161), and Manhan River Restoration (#15971).

The local, state, and federal permits required for this project will result in a thorough review by regulatory agencies and provide ample opportunity for additional public comment. We appreciate this opportunity to comment during this MEPA process. Please do not hesitate to contact me at (617) 626-1542 with any questions.

Sincerely,

Beth Lambert
Director



July 23, 2021

Secretary Kathleen A. Theoharides
Executive Office of Energy and Environmental Affairs
Attn: Purvi Patel, MEPA Office
100 Cambridge Street, Suite 900
Boston, Massachusetts 02114

RE: EOEEA #16398 Wheelwright Pond Dam Removal Project EENF

Dear Secretary Theoharides:

The Department of Conservation and Recreation (“DCR”) Office of Dam Safety (“ODS”) has reviewed the Expanded Environmental Notification Form (“EENF”) submitted by Tighe & Bond, Inc. on behalf of Raitto Industrial Park (the dam owner), the East Quabbin Land Trust, and the Massachusetts Division of Ecological Restoration (the “Proponents”) for the Wheelwright Pond Dam Removal Project (the “Project”).

As described in the EENF, the Project’s scope of work includes removal of the full vertical extent of the dam’s concrete broad-crested weir spillway, resulting in a 125-foot-wide breach; removal of the remnants of the dam’s stoplog spillway; the relocation and stabilization of sediment from within the impoundment; and other associated work described below. To maintain water supply to R.J. MacDonald, Inc., which draws water from the impoundment for gravel washing, a new channel will be excavated from the river channel to the facility’s pumping intake. The Project scope also includes the “in water” work required for the future construction of a pedestrian bridge over the Ware River.

Removal of the dam’s spillway will be preceded by full drawdown of the impoundment. In order to minimize impact to water-dependent species, to promote the gradual redistribution of impounded sediment, and to allow the monitoring of groundwater changes at nearby public water supply wells, the drawdown will be performed gradually over several years by incremental removal of stoplogs from the dam’s stoplog spillway. In addition to the benefits noted above, the pre-demolition drawdown will increase safety to both the public and construction personnel and will also decrease construction challenges posed by excessive seepage into the work area.

Tighe & Bond states that the project will yield several environmental, public safety and recreational benefits, including the restoration of ecological processes impacted by manmade infrastructure, improved connectivity of aquatic habitat, the decommissioning of failing and inadequate infrastructure, and restoration of this portion of the Ware River for recreational boating.

Wheelwright Pond Dam is located where its failure is unlikely to cause loss of life or significant property damage and is therefore classified as a Low Hazard Potential dam. Despite the Low Hazard classification, past inspections of the dam have noted several structural deficiencies and have determined the dam is in poor condition. Due to the condition of the dam, ODS has determined that Wheelwright Pond Dam does not meet dam safety standards and is a low risk to interests located downstream.

COMMONWEALTH OF MASSACHUSETTS · EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS

Department of Conservation and Recreation
251 Causeway Street, Suite 600
Boston, MA 02114-2199
617-626-1250 617-626-1351 Fax
www.mass.gov/orgs/departement-of-conservation-recreation



Charles D. Baker
Governor

Karyn E. Polito
Lt. Governor

Kathleen A. Theoharides, Secretary
Executive Office of Energy & Environmental Affairs

Jim Montgomery, Commissioner
Department of Conservation & Recreation

Based on review of the EENF, implementation of the project design will result in improvement over existing site conditions. Completion of this dam removal project will mitigate potential public safety risks and achieve compliance with Dam Safety regulations.

Removal of Wheelwright Pond Dam will require the submission of a Chapter 253 Dam Safety Permit application to ODS for review. ODS staff will communicate with the Proponent's design engineer as part of the permit process to ensure all required documentation is provided. Upon receipt and review of all required technical information demonstrating compliance with ODS regulations, a Chapter 253 Dam Safety Permit will be prepared and issued by ODS. ODS is available to provide additional guidance through the permitting process.

DCR appreciates the opportunity to comment on this project. Please contact David Ouellette at david.ouellette@mass.gov with any questions or to request additional information or coordination with ODS.

Sincerely,

A handwritten signature in black ink that reads "Jim Montgomery". The signature is written in a cursive, flowing style.

Jim Montgomery
Commissioner

cc Patrice Kish, Tom LaRosa, William Salomaa



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Western Regional Office • 436 Dwight Street, Springfield MA 01103 • 413-784-1100

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Kathleen A. Theoharides
Secretary

Martin Suuberg
Commissioner

July 21, 2021

Kathleen A. Theoharides, Secretary
Executive Office of Energy & Environmental Affairs
Massachusetts Environmental Policy Act Office
Purvi Patel, EEA No. 16398
100 Cambridge Street, 9th Floor
Boston, MA 02114-2524

Re: Wheelwright Pond Dam Removal
Hardwick-New Braintree EENF

Dear Secretary Theoharides,

The Massachusetts Department of Environmental Protection (MassDEP), Western Regional Office (WERO) appreciates the opportunity to comment on the Expanded Environmental Notification Form (EENF) submitted for the proposed Wheelwright Pond Dam Removal project in Hardwick and New Braintree, MA (EEA #16398). The Wheelwright Dam forms the impoundment known as Wheelwright Pond. On the New Braintree side of the river (river left) is the Tanner-Hiller Airport. On the Hardwick side of the river (river right) there is an abandoned mill complex and the village of Wheelwright that contains two water supply wells operated by Wheelwright Water District. Water levels in the wells will be monitored before, during and after drawdown. Species identified by Natural Heritage and Endangered Species Program (NHESP) include four species of Special Concern: the Spine-Crowned Clubtail (dragonfly), the Creeper (mussel), the Wood Turtle, and the Twelve-Spotted Tiger Beetle; and one Threatened species, the Grasshopper Sparrow.

The applicable MassDEP regulatory and permitting considerations regarding wetlands and waterways, air pollution, solid waste, hazardous waste and waste site cleanup are discussed. MassDEP attended a site visit on June 30, 2021.

I. Project Description

The project Proponent, Raitto Industrial Park, Inc., plans to remove the Wheelwright Pond Dam which extends from the western side of the Ware River in Hardwick to the

This information is available in alternate format. Contact Michelle Waters-Ekanem, Director of Diversity/Civil Rights at 617-292-5751.

TTY# MassRelay Service 1-800-439-2370

MassDEP Website: www.mass.gov/dep

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eastern side of the river in New Braintree. Dam removal will address safety-related concerns pertaining to the dam, will restore the natural flow of the Ware River and will increase recreational opportunities in the area. A timber dam was constructed in the early 1900s to serve a mill complex in Hardwick. A concrete dam with timber and steel cut-off sheeting was installed just downstream of the timber dam circa 1920. The dam was rated in Poor condition in 2006 and in 2013 it was reclassified as a Low (Class III) hazard potential dam by the Department of Conservation and Recreation Office of Dam Safety. The owner is not financially able to effect the needed repairs. Removal of the dam is a Priority Project for the Massachusetts Division of Ecological Restoration (DER).

The dam is 17 feet in height with 10 feet of water at the dam face. The dam includes an earthen embankment of nearly 500 feet length and a 125-foot long spillway that has a 40-foot long weir. An old timber crib dam is on the upstream side of a portion of the earthen dam and an apron of granite blocks is located on the downstream side of the spillway. The spillway contains six bays, each six feet eight inches wide containing wooden stoplogs with each bay being separated by a concrete pier. The impoundment extends 2.5 miles upstream. The project will begin with the gradual drawdown of the pond which will take place over three years, reducing water levels by three to four feet per year. The drawdowns will be coordinated with staff from Natural Heritage and Endangered Species Program and Mass Wildlife biologists. Some sediments will be passively released during dam removal. Sediments that migrate to the dam during drawdown will be excavated and stabilized on each side of the river. Dam removal will begin once the drawdown is complete.

A business upstream of the dam on the western side of the pond, R.J. McDonald (a gravel washing facility), withdraws water from the pond for its operations. The project proposes the creation of a new channel from the river to R.J. McDonald's pumping intake. After completion of the dam removal project, the Proponent proposes construction of a new pedestrian bridge downstream of the former dam. The pedestrian bridge will serve as a connection for the MassCentral Rail Trail.

The project restores habitat, improves fish passage, water quality, connectivity and will enhance public recreation in the area. It will also improve climate resiliency. The Proponent is requesting a Waiver of a Mandatory Environmental Impact Report (EIR) or a Single EIR.

Environmental Impacts associated with this project include:

- total site acreage – 300 +/- acres
- new acres of land altered – 75
- acres of impervious area existing - 2.5, no change
- square feet of new bordering vegetated wetlands (BVW) alteration –1,564,000
- square feet of new other wetland alteration –1,700,000

II. Required Mass DEP Permits and/or Applicable Regulations

Wetlands and Waterways

310 CMR 9.00

310 CMR 10.000

314 CMR 9.00

Air Pollution

310 CMR 7.00

Solid Waste

310 CMR 16.00

Hazardous Waste

310 CMR 30.00

Bureau of Waste Site Cleanup

310 CMR 40.000

III. Permit Discussion

Wetlands and Waterways

Wetlands & Waterways

401 Water Quality Certification

A 401 Water Quality Certificate for dredging (BRP WW07) will be required for the passive release of sediments during the dam removal, and for any other dredging below the Ordinary High Water Mark of the Ware River. A 401 Water Quality Certification for the Discharge of Dredged or Fill Material (BRP WW10 or 11) will be required for any fill material in excess of 5,000 square feet proposed to occur within Waters of the United States within the Commonwealth.

Any dredged sediments shall be assessed, managed, and disposed in accordance with conditions of a 401 WQC Permit as detailed in the *MassDEP Interim Policy COMM 94-007 Sampling, Analysis, Handling & Tracking Requirements for Dredged Sediment Reused or Disposed at Massachusetts Permitted Landfills and regulation 314 CMR 9.00*.

Chapter 91 License

A Chapter 91 License will be required in order to construct a proposed multi-use trail bridge over the Ware River, and for any other structures proposed to be installed below the post-dam-removal High Water Mark of the Ware River, either as a result of the multi-use trail or R.J. MacDonald water intake.

Wetlands

The dam removal project will require an Order of Conditions from the municipalities of Hardwick, New Braintree, and Barre. The other two projects, R.J. McDonald water intake and rail trail pedestrian bridge, will require an Order of Conditions from the respective towns they propose to occur within.

The EENF describes three separate projects, which may involve some overlap during construction. The permitting for the three projects will largely have to occur separately. The majority of the elements of the dam removal project appears to qualify as an Ecological Restoration Limited Project per the Wetlands Protection Act regulations. The other two projects will need to meet the general performance standards of the applicable resource areas impacted by those projects, with the exception of Riverfront Area for the multi-use trail project, where pre-existing rail infrastructure is utilized. The EENF provides little in the way of regulatory compliance discussion regarding the latter two projects. It does not appear that the EENF includes evaluation of an alternative for the bike path that involves no new crossing of the Ware River. It appears the existing and proposed alignment of the multi-use trail could be accommodated by a short re-route of the trail along Hardwick Road/Ravine Road and McEvoy Road.

It is unclear from the engineering drawings (i.e., Sheets C-103D and C-104) why sediment is proposed to be placed within existing and anticipated Bordering Land Subject to Flooding up- and downstream of the dam, and what the alternatives are to this net filling of BLSF and permanent loss of flood storage. The stated extent of post-dam removal Resource Areas appears speculative, especially regarding Bordering Vegetated Wetlands on the east side of the river downstream of the dam. Elements of the proposed multi-use trail are depicted within what is currently BVW, yet no BVW impacts related to the multi-use trail have been accounted for and quantified. Bordering Land Subject to Flooding Limits (BLSF) should be clearly labeled on each plan sheet. The site plans would benefit from existing vs. proposed tree lines so that potential impacts of certain elements of the project are more clear (e.g., Sheet C103-A, where sediment is proposed to be permanently deposited next to the river).

MassDEP Central Region comments-

Subsequent NOIs will require filing with NHESP, in addition to 401 WQC and Ch. 91 permits.

The area proposed for potential Grasshopper Sparrow habitat enhancement will occur within a vegetated section of Riverfront Area. While this area may have been historically cleared in association with operations at the Tanner-Hiller Airport, aerial imagery suggests that it has been revegetating for at least 20 years. MassDEP therefore asks if alternative locations for habitat enhancement have been considered which will not involve the clearing of vegetated resource area. MassDEP recommends that the Proponent provide a more detailed habitat enhancement plan specific to the target species including the details regarding the existing composition of the vegetative community within the proposed work area and the composition of the proposed seed mix.

The Proponent should clearly explain in future NOI filings how the Grasshopper Sparrow habitat restoration component of this project meets the performance standards for Riverfront Area in 310 CMR 10.58(4) or explain how this work qualifies as an Ecological Restoration Project 310 CMR 10.04.

The EENF does not provide specific information regarding how the sizing of the culvert proposed to cross the existing outflow of the emergency spillway was determined. This area would appear to meet the definitions of a stream under current conditions, so the crossing should therefore be sized to meet the Massachusetts Stream Crossing Standards including those for openness ratio and spanning 1.2x bank full width. The Proponent should include information sufficient to determine if these standards are met by the crossing under both pre- and post-dam removal conditions. It is also unclear if bank impacts associated with this crossing have been included in the overall project impact values.

The proposed Rail Trail crossing appears as though it may result in a “bridge to nowhere” scenario as the future path of the rail trail through adjacent parcels has not been confirmed. MassDEP asks what assurances if any have been made that the future unknown path of the rail trail will be able to be placed on portions of adjacent parcels that fall outside the historical footprint of the railroad ROW.

While the proposed “gradual drawdown” will result in the ability for plant communities to progressively reestablish on former Land Under Waterbodies that are exposed during the drawdown process, MassDEP asks what if any efforts will be made to monitor for and in the event of infestation, mitigate for the emergence of invasive plant communities within these areas.

Bureau of Air and Waste

Air Quality

Construction and Demolition Activities

The construction and demolition activity must conform to current Air Pollution Control Regulations. The proponent should implement measures to alleviate dust, noise, and odor nuisance conditions that may occur during the construction and demolition activities. Such measures must comply with the MassDEP’s Bureau of Waste Prevention (BWP) Regulations 310 CMR 7.01, 7.09, and 7.10.

Construction Equipment

All non-road engines shall be operated using only ultra-low sulfur diesel (ULSD) with a sulfur content of no greater than 15 ppm pursuant to 40 CFR 80.510.

Solid Waste

The proponent shall properly manage and dispose of all solid waste generated by this proposed project pursuant to 310 CMR 16.00 and 310 CMR 19.000, including the regulations at 310 CMR 19.017 (waste ban). In addition, the proponent shall manage regulated asbestos and asbestos-containing waste material as special wastes in accordance with 310 CMR 19.061.

Hazardous Waste

If any hazardous waste, including waste oil, is generated or discovered at any part of the site, the proponent must ensure that such generation is properly registered with the Department and managed and disposed of in accordance with 310 CMR 30.0000.

Bureau of Waste Site Cleanup

Massachusetts Contingency Plan (MCP)

The proponent has identified release tracking number (RTN) 1-2014249 within the project area with Response Action Outcomes (RAOs) and/or Permanent Solutions with or without conditions (PS/PSC). In addition, there are several sites with RAOs and/or PS/PSC within a 0.5-mile radius from the project area. If soil and/or groundwater contamination is encountered during excavation activities, the proponent should retain a Licensed Site Professional (LSP); the MCP details procedures to follow for the parties conducting work. MassDEP staff are available for guidance.

A spills contingency plan addressing prevention and management of potential releases of oil and/or hazardous materials from pre- and post-construction activities should be presented to workers at the site and enforced. The plan should include but not be limited to, refueling of machinery, storage of fuels, and potential releases.

IV. Other Comments/Guidance

The Proponent is requesting a Waiver of a Mandatory Environmental Impact Report (EIR) or a Single EIR. MassDEP would have no objection if the Secretary approves the Waiver.

MassDEP concurs that the long term GHG impacts from the construction stage of this project are De Minimis.

The MassDEP permitting process will ensure environmental impacts are avoided where possible and minimized where necessary. MassDEP staff is available for discussions as the project progresses. If you have any questions regarding this comment letter, please do not hesitate to contact Kathleen Fournier at (413) 755-2267.

Sincerely,

This final document copy is being provided to you electronically by the
Department of Environmental Protection. A signed copy of this document
is on file at the DEP office listed on the letterhead.

Michael Gorski
Regional Director

cc: MEPA File



Department of Environmental Protection

One Winter Street Boston, MA 02108 • 617-292-5500

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Kathleen A. Theoharides
Secretary

Martin Suuberg
Commissioner

Memorandum

To: Purvi Patel, MEPA

From: Susan You, MassDEP/Boston, Waterways Regulation Program

Cc: Daniel Padien, MassDEP/Boston, Waterways Regulation Program

Re: **Comments from the Chapter 91 Waterways Regulation Program - EEA #16398, EENF, Wheelwright Pond Dam Removal Project, Hardwick & New Braintree, Worcester County**

Date: July 19, 2021

The Department of Environmental Protection Waterways Regulation Program (the “WRP”) has reviewed the above referenced EENF (EEA #16398) submitted by the Tighe & Bond, Inc., on behalf of Raitto Industrial Park, Inc. (the “Proponent”) for the Wheelwright Pond Dam Removal project located at Mill Street in the Towns of Hardwick and New Braintree. Said project includes removal of the Wheelwright Pond Dam; improvement dredging/excavation/backfill of approximately 43,500-cubic yard of sediments; creation of a new side channel from the river’s main channel to a pumping intake associated with a gravel washing facility; construction of a 150-foot long by 10-foot wide new pedestrian bridge over the river downstream from the dam; and associated grading and bank stabilization in, over, and along waters of the Ware River adjacent to Mill Street, Hardwick and New Braintree, Worcester County (the “project site”).

Water Dependency:

The WRP has determined that this project is a water-dependent use project pursuant to 310 CMR 9.12(2)(a)4, 9, 11, and 15.

Chapter 91 Jurisdiction:

The proposed project will be undertaken in, over, and along waters of the Ware River (Chicopee River Water Basin) which is a non-tidal navigable river subject to Chapter 91 jurisdiction pursuant to 310 CMR 9.04(1)(e).

Chapter 91 Comments:

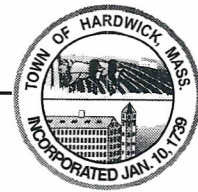
The EENF indicates that the Wheelwright Pond Dam was not previously authorized. When Wheelwright Pond Dam was constructed, it did not require authorization under M.G.L. Chapter 91 per 310 CMR 9.05(3)(f), as it was built prior to 1939 before nontidal waterways became jurisdictional under the Statute and can continue to exist without a license provided no unauthorized structural alteration or change in use has occurred subsequent to January 1, 1984. The demolition or removal of any unauthorized fill or structures to facilitate water-dependent use does not require a license provided written approval is obtained from the Department per 310 CMR 9.05(3)(m), because said removal will facilitate water-dependent use by improving navigability and enhancing wildlife and fish habitats. Moreover, the proposed bank stabilization work does not require a license pursuant to 310 CMR 9.05(3)(g)(4) as it will not decrease the space available for navigation and provided a final Wetlands Order of Conditions has been issued for the work.

Although aspects of this overall project may not be subject to licensing/permitting, the WRP has determined that the construction of the new pedestrian crossing over said waterway is subject to licensing pursuant to 310 CMR 9.05(1)(a). Also, the project proposes “dredging” as defined in 310 CMR 9.02, which includes but is not limited to, stream restoration and creation of a channel to a gravel washing facility. Therefore, the Proponent is required to also obtain a Chapter 91 Permit to authorize said dredging activities pursuant to 310 CMR 9.05(2)(b).

The Department awaits the filing of a Chapter 91 Waterways License/Permit Application which meets the minimum filing standards as set forth in 310 CMR 9.11(3) and includes the Secretary’s Certificate concluding the MEPA review process.

If you have any questions regarding the WRP’s comments, please feel free to contact Susan You at (617) 556-1198 or at susan.you@mass.gov .

TOWN OF HARDWICK
Commonwealth of Massachusetts



Conservation Commission, P.O. Box 575, Gilbertville, MA 01031
Phone: (413) 477-6197 Fax: (413) 477-6703
Email: conservation@townofhardwick.com

July 22, 2021

Secretary Kathleen A. Theoharides
Executive Office of Energy and Environmental Affairs
Attention: MEPA Office, Anne Canaday
100 Cambridge Street Suite 900
Boston, MA 02114

RE: **MEPA File #: 16398**
Wheelwright Pond Dam Removal Project – Hardwick & New Braintree, MA

Dear Secretary Theoharides:

The Hardwick Conservation Commission would like to express our support for the proponent's request for a waiver of the mandatory Environmental Impact Report (EIR) under 301 CMR 11.11(5) for the Wheelwright Pond Dam Removal Project. This project will provide substantial environmental and community and resiliency benefits, such as restoring natural river processes, reconnecting Coldwater Fishery Resources, enhancing climate and community resilience, improving water quality, and enhanced public recreation opportunities.

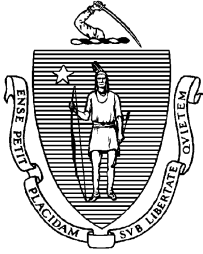
We understand determinations for an EIR Waiver are based on whether "the project is likely to cause no damage to the environment" and "ample and unconstrained infrastructure facilities exist to support the project" (301 CMR 11.11(3)). We do not believe that the completion of an EIR will benefit the Project and the Environment (301 CMR 11.11(2)). Our Commission has been provided with the Expanded Environmental Notification Form (EENF), and we also understand that a full Notice of Intent will be submitted for review and approval. The basis of this waiver request is founded upon the extensive data collection and analysis of environmental impacts that have been conducted in support of this project to date. These analyses clearly detail the environmental and community benefits of the project, and the proposed design incorporates strategies to minimize and avoid negative environmental impacts. This project is also supported by state agencies with decades of restoration experience.

We agree with the statement made in the EENF, that removal of this dam would serve to benefit ecological communities, state-listed special concern species, and support human recreational opportunities. We believe that such opportunities also facilitate important environmental education and foster support for further conservation efforts. We consider the Massachusetts Department of Fish and Game, its Divisions of Ecological Restoration and Fisheries and Wildlife, and the East Quabbin Land Trust to be among our most important conservation partners.

On behalf of the proponents and their restoration partners, we urge you to favorably consider this waiver request. If you have any questions, feel free to contact Bill Zinni, Chair at 413 477-6197, extension 105, or via email at conservation@townofhardwick.com.

Sincerely,

William Zinni, Jr. for the
Hardwick Conservation Commission



The COMMONWEALTH OF MASSACHUSETTS
BOARD OF UNDERWATER ARCHAEOLOGICAL RESOURCES
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS
251 Causeway Street, Suite 800, Boston, MA 02114-2136
Tel. (617) 626-1014 Fax (617) 626-1240
www.mass.gov/orgs/board-of-underwater-archaeological-resources

July 22, 2021

Kathleen A. Theoharides, Secretary
Executive Office of Energy and Environmental Affairs
Attention: Purvi Patel, MEPA Unit (via email attachment)
100 Cambridge Street, Suite 900
Boston, MA 02114

RE: Wheelwright Pond Dam Removal Project (EEA #16398), Hardwick and New Braintree, MA

Dear Secretary Theoharides,

The staff of the Massachusetts Board of Underwater Archaeological Resources has reviewed the above-referenced proposed project as detailed in the *Environmental Monitor* of June 23, 2021 and offers the following comments.

The Board has conducted a preliminary review of its files and secondary literature sources to identify known and potential underwater archaeological resources within the proposed project area. No record of any underwater archaeological resources was found. Based on the results of this review, the Board expects that this project is unlikely to impact submerged cultural resources.

However, should heretofore-unknown submerged cultural resources be encountered during the course of the project, the Board expects that the project's sponsor will take steps to limit adverse effects and notify the Board and the Massachusetts Historical Commission, as well as other appropriate agencies, immediately, in accordance with the Board's *Policy Guidance for the Discovery of Unanticipated Archaeological Resources*.

The Board appreciates the opportunity to provide these comments as part of the MEPA review process. Should you have any questions regarding this letter, please do not hesitate to contact me at the address above or by email at david.s.robinson@mass.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "David S. Robinson".

David S. Robinson
Director

/dsr

Cc: Brona Simon, MHC
Bettina Washington, WTGH/A (via email attachment)
David Weeden, MWT (via email attachment)
Cheryll Holley, Nipmuc Nation (via email attachment)



MASSWILDLIFE

DIVISION OF FISHERIES & WILDLIFE

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MASS.GOV/MASSWILDLIFE

July 27, 2021

Secretary Kathleen Theoharides
Executive Office of Environmental Affairs
Attention: MEPA Office, Purvi Patel
100 Cambridge Street Suite 900
Boston, MA 02114

RE: *Project Name:* *Wheelwright Pond Dam Removal*
 Proponent: *Massachusetts Division of Ecological Restoration*
 Location: *New Braintree and Hardwick*
 Document Reviewed: *Expanded Environmental Notification Form (EENF)*
 EEA No.: *16398*
 NHESP No.: *13-32840*

Dear Secretary Theoharides:

The Massachusetts Division of Fisheries and Wildlife (MassWildlife) has received and reviewed the *Expanded Environmental Notification Form* (EENF) for the proposed removal of the Wheelwright Pond Dam Removal in New Braintree and Hardwick. MassWildlife would like to offer the following comments about fisheries and state-listed species.

The primary goals of the proposed project are to restore the Ware River to a free-flowing river to restore stream habitat, enable fish and wildlife passage, protect water quality, ensure climate change resiliency, and reduce long-term costs. The Project will reconnect downstream and upstream river habitat, restoring a total of 13.5 miles of continuous free-flowing main stem river habitat and 108 miles of river habitat including tributaries. Once the dam is removed, the Project will reconnect multiple Coldwater Fisheries Resources (CFR) within 3.5 miles of the project location, including Pine Hill Brook, Pratt Brook, Stetsons Brook, Prince River, and Winimusset Brook and their tributaries and free stocked trout to move between upstream and downstream river sections.

In addition to dam removal, the Proponent seeks to develop a new pedestrian river crossing for the MassCentral Rail Trail and maintain the water supply to a gravel washing facility owned by R.J. McDonald by creating a new side channel leading from the river's main channel to the facility's pumping intake. The full removal of the dam will be conducted in tandem with a multi-year drawdown such that the impoundment elevation is reduced by 3-4 feet over a constrained period each year - with a 10-foot drop in surface elevation by the third year.

STATE-LISTED SPECIES

The Project and construction access are located within Priority *Habitat* of state-listed species in accordance with the Massachusetts Natural Heritage Atlas (14th Edition). The following species listed are protected under the Massachusetts Endangered Species Act (MESA) (M.G.L. c. 131A) and its implementing regulations (321 CMR 10.00). State-listed wildlife are also protected under the Wetlands Protection Act (WPA) (M.G.L. c. 131, s. 40) and its implementing regulations (310 CMR 10.00).

for the following state-listed species:

MASSWILDLIFE

Scientific name	Common Name	Taxonomic Group	State Status	Location
<i>Gomphus abbreviatus</i>	Spine-Crowned Clubtail	Dragonfly	Special Concern	Downstream
<i>Strophitus undulatus</i>	Creeper	Mussel	Special Concern	Downstream
<i>Glyptemys insculpta</i>	Wood Turtle	Reptile	Special Concern	Downstream & Upstream
<i>Ammodramus savannarum</i>	Grasshopper Sparrow	Bird	Threatened	Upstream
<i>Cicindela duodecimguttata</i>	Twelve-Spotted Tiger Beetle	Beetle	Special Concern	Upstream

Fact sheets for most state-listed rare species can be found on our website (www.mass.gov/nhesp).

Dam Removal

MassWildlife anticipates that the dam removal portion of the Project will be reviewed pursuant to 321 CMR 10.14 (15) based upon a review of the information contained in the ENF, discussions during pre-filing consultations, and the information contained in our database. We anticipate that by adhering to a Division-approved habitat management plan and conditions, the Project will be of benefit to state-listed species. The Proponents proactively consulted with MassWildlife on a pre-filing basis to avoid, minimize and mitigate impact to state-listed species and their habitat associated with the proposed Project.

State-listed species concerns have been incorporated into all aspects of the proposed dam removal. MassWildlife supports the slow, multiyear drawdown to allow the Proponent to monitor effects to state-listed species, water supply, and infrastructure. For the state-listed Creeper mussel the slower drawdown will also allow for adaptive management of sediment emerging from the impoundment to avoid smothering mussels and ensure better recovery mussels from dewatered habitats. MassWildlife has scheduled field surveys for mussels during 2021 to determine the full extent of suitable habitats in the impoundment and inform development of protective measures during the drawdown. The precise timing of the drawdown is still uncertain, but MassWildlife initially proposes that the drawdown occurs in late summer. This should avoid excess thermal and reproductive stress on aquatic species, including the Wood Turtle, Creeper, and native fishes.

Twelve-Spotted Tiger Beetles rely on dynamic and scouring seasonal flow to maintain their habitat. Removing the dam will re-introduce the natural hydrology and provide regular redistribution of exposed gravel/sand bars within the waterways, which are important larval and foraging areas. More natural river dynamics should also result in scouring on the banks, as well as periodic sloughing, which are also important processes for creating and maintaining larval and foraging areas.

Construction access is proposed to be from the Barre-Hiller Airport on the east side of the Ware River. This work will transit through habitat for Grasshopper Sparrow. Depending on the final extent and location for access, excluding certain aspects of work between May 1 and July 15 may be necessary to avoid impact to nesting birds. The Project includes potential clearing of 46,600 square feet in the north-west corner of the airport runway (Appendix A, Figure 5 “Map Set” and Figure 1 “Site Plan”), which would provide substantial benefits to Grasshopper Sparrow by expanding the total grassland size. The cutting of the trees in this area and conversion to grassland communities would also restore the specialized vegetative community that has historically occurred at this site. The Airport has an intact heath community that would be able to immediately respond to release of the canopy closure, shifting the vegetative biomass from a dense high canopy to a dense ground cover with a complete and stable root presence.

Pedestrian Crossing Bridge & R.J. McDonald Side Channel

MassWildlife has coordinated with the Proponent and anticipates that this portion of the Project will need to file for a formal MESA Review pursuant to 321 CMR 10.18 after the completion of the MEPA Review process.

We anticipate that, provided there is minimization of bank hardening/scour protection, this portion of the Project will be able to proceed subject to conditions without the need for a MESA Conservation & Management Permit.

FISHERIES

This run-of-river dam no longer serves its original purpose of providing hydropower to the now abandoned on-site mill. The Project will restore natural sediment transport downstream and stream flow patterns and will reduce the warming effect of the existing 2.5-mile-long impoundment, which impacts Coldwater Fisheries Resources. Dam removal has many environmental benefits, including improved water quality, restoration of natural sediment and nutrient transport regimes, improvement to aquatic habitat, aquatic species passage, creation of wetlands, as well as increased floodplain connectivity and resilience to climate change.

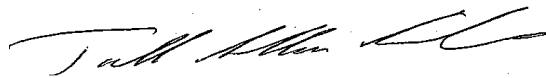
EIR WAIVER

Under 301 CMR 11.11(1) the Secretary may waive an Environmental Impact Report (EIR) if preparation of the EIR would “not serve to avoid or minimize damage to the environment”. Based upon the scientific and engineering analysis included in the EENF, preparation of an EIR for this project would not serve to avoid or minimize damage to the environment nor provide increased benefit to the Project and the environment.

Dam removal restores natural ecological function and maximizes environmental benefit. The basis of this waiver request is founded upon the extensive data collection and analysis of environmental impacts that have been conducted in support of this Project to date. These analyses support the significant environmental benefit of the Project and allowed development of strategies to minimize and avoid negative environmental impacts discussed in the alternatives analysis. This Project is also supported by other state, federal, and non-governmental organizations with decades of restoration experience. . Therefore, MassWildlife supports the waiver request.

If you have any questions about state-listed species relative to this letter, please contact Misty-Anne Marold, Senior Endangered Species Review Biologist, at (508) 389-6356 or misty-anne.marold@mass.gov. If you have any questions about fisheries relative to this letter, please contact Steven Mattocks at steven.mattocks@mass.gov. We appreciate the opportunity to comment on this Project.

Sincerely,



Todd Richards,
Assistant Director
Fisheries



Everose Schlüter, Ph.D.
Assistant Director
Natural Heritage & Endangered Species

CC: Braintree Conservation Commission
Hardwick Conservation Commission
David Foulis, MA DEP Western Regional Office
David Cameron, MA DEP Western Regional Office
Mark Stinson, MA DEP Western Regional Office