



The Commonwealth of Massachusetts
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

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GOVERNOR

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Matthew A. Beaton
SECRETARY

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January 4, 2019

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

PROJECT NAME : Rockwell Pond Dredging
PROJECT MUNICIPALITY : Hampden
PROJECT WATERSHED : Westfield
EEA NUMBER : 15947
PROJECT PROPONENT : Rockwell Family
DATE NOTICED IN MONITOR : December 5, 2018

Pursuant to the Massachusetts Environmental Policy Act (MEPA) (M.G. L. c. 30, ss. 61-62I) and Section 11.06 of the MEPA regulations (301 CMR 11.00), I hereby determine that this project **does not require** the preparation of an Environmental Impact Report (EIR).

Project Description

As described in the Environmental Notification Form (ENF), the project consists of dredging approximately 20,500 cubic yards (cy) of material within an approximately 35,600-square foot (sf) dredge footprint within Rockwell Pond. A coffer dam will be installed around the low level outlet of the dam. A pump will divert flow around active work areas to the low level outlet. Sediment will be dewatered in place. Dredged material will be placed at an upland location approximately 0.7 miles from the pond. The material will be stabilized and seeded as necessary. A portion of the sediment will be covered with sand and maintained in an unvegetated state to provide potential turtle nesting habitat.

The dredging project is proposed to remove accumulated sediments in an effort to reestablish the historic pond depths and restore the recreational function of the pond. The average depth of the pond will be increased from two to six feet.

Project Site

The 3.3-acre pond is located within Maidstone Farm, a 219.6-acre parcel owned and maintained by the Rockwell Family. The pond is a run-of-river impoundment of the Scantic River and is also fed by Rock-a-Dundee Brook. It is believed that the original dammed impoundment was created in the 1800's to support a saw mill and grist mill. The pond is currently used for recreational purposes. The pond is bordered by managed forest lands to the south and west, residential uses and agricultural fields to the east and Rock-a-Dundee Road to the north. The project footprint includes *Priority and/or Estimated Habitat* as mapped by the Massachusetts Division of Fisheries and Wildlife's (DFW) Natural Heritage and Endangered Species Program (NHESP).

Environmental Impacts and Mitigation

The project will temporarily impact 144,900 sf of Land Under Water (LUW), 40 linear feet (lf) of Bank, and 5,575 sf of Bordering Land Subject to Flooding (BLSF).

Measures to avoid, minimize and mitigate Damage to the Environment include restoring impacted wetland resources to pre-construction conditions, use of best management practices to minimize impacts to rare species habitat and use of sediment and erosion controls during the construction period.

Permitting and Jurisdiction

The project is undergoing MEPA review and requires preparation of an ENF pursuant to 301 CMR 11.03(1)(b)(1) and 11.03(3)(b)(3) because it requires a State Agency Action and will result in the alteration of ½ acre or more of any other wetlands and the dredging of 10,000 or more cy of material. The project requires a 401 Water Quality Certification from the Massachusetts Department of Environmental Protection (MassDEP).

The project requires an Order of Conditions from the Hampden Conservation Commission, or in the case of an appeal, a Superseding Order of Conditions from MassDEP. The project will require a Self-Verification Notification from the Army Corps of Engineers in accordance with the General Permits for Massachusetts. The project requires a National Pollutant Discharge Elimination System (NPDES) for surface water discharge.

Because the Proponent is not seeking Financial Assistance from the Commonwealth for the project, MEPA jurisdiction extends to those aspects of the project that are within the subject matter of required or potentially required State Agency Actions and that may cause Damage to the Environment as defined in the MEPA regulations. In this case, MEPA jurisdiction extends to wetlands and water quality.

Review of the ENF

The ENF provided a description of existing and proposed conditions, including project plans and photographs of the site. It identified measures to avoid, minimize and mitigate project

impacts and reviewed project alternatives. The ENF included the results of sediment analysis and wood turtle habitat assessment.

Alternatives Analysis

The ENF included an alternatives analysis that reviewed three dredge footprint alternatives including the Preferred Alternative. Alternative 1 consisted of dredging the entire pond including the shallow/vegetated sand bars located at the inlet of the Scantic River, with upland sediment reuse on an approximately 1.4 acre hay field located north of the farmhouse. This alternative was dismissed based on NHESP concerns that the excavation of the sandbar would impact Wood Turtle habitat, a species of Special Concern. Additionally, reuse of sediment on the hay field could also impact rare species habit. Alternative 2 consisted of dredging a portion of the pond, including the excavation of the shallow/vegetated sandbars at the inlet of the River with upland sediment reuse in the hayfield to the north of the farmhouse. This alternative would require the drawdown of the pond and temporary impacts to 144,900 sf of LUW. It would reduce the dredge footprint to 91,700 sf and would remove the vegetated sandbar. This alternative would involve dredging approximately 17,000 cy of sediment. It was dismissed based on impacts to rare species habitat. Alternative 3 (Preferred Alternative) as described herein, would avoid impacts to the vegetated sandbars and would reuse sediment within a clearing of a forest management area. The clearing is outside of Priority Habitat and presents an opportunity to create turtle nesting habitat. The alternatives analysis did not address a No-Action Alternative.

Rare Species

The project site includes Priority and Estimated Habitat for the following state-listed species: the Wood Turtle (*Glyptemys insculpta*), the Eastern Box Turtle (*Terrapene carolina*) and the Eastern Worm Snake (*Carphophis amoenus*). As described in the ENF, the project has been redesigned to avoid impacts to rare-species habitat. Comments from NHESP indicate that based on a preliminary review of the information provided in the ENF and information contained in their database, it is not anticipated that the proposed project will require a MESA Conservation and Management Permit (321 CMR 10.23). To avoid a prohibited Take of rare species habitat, the proponent is committing to:

- Avoid excavation of the sandbar area at the inlet delta of the Scantic River.
- Adherence to timing restrictions (no work between October 1 and April 1).
- Implementation of an approved turtle-protection plan.
- Creation of nesting habitat with suitable dredged materials.

Wetlands and Water Quality

As noted earlier, the project will result in temporary impacts to LUW, Bank and BLSF and the dredging of 20,500 cy of sediment. As described in MassDEP's comment letter, the Scantic River is designated as a cold water fishery. Dewatering activities should be conducted to prevent sediment from entering this resource area. The Proponent should maintain stream flow during work and should ensure adequate capacity for bypassing the work area including during

heavy rain events. The ENF included the results of a sediment analysis which indicate that upland placement of sediment outside of rare species habitat is appropriate.

The Hampden Conservation Commission will review the project to determine its consistency with the Wetlands Protection Act (WPA), the Wetlands Regulations (310 CMR 10.00), and associated performance standards, including the Stormwater Management Standards (SMS). The project is proposed as a Limited Project (310 CMR 10.53(3)(d)). MassDEP will review the project's consistency with the 401 WQC Regulations (314 CMR 9.00) and ACOE will review the project's consistency with Section 404 of the Federal Clean Water Act.

Construction Period

Construction access will occur from the east from the existing driveway across a grass field. Straw bales and silt fences will be used around the construction staging area to minimize sedimentation and erosion. The project must comply with MassDEP's Solid Waste and Air Pollution Control regulations, pursuant to M.G.L. c.40, s.54 during construction. All construction activities should be undertaken in compliance with the conditions of all State and local permits. I refer the Town to comments from MassDEP regarding implementation of construction-related measures, spills prevention, and compliance with idling regulations.

If any unknown archaeological resources are detected during dredging activities, the Proponent should take appropriate measures to prevent impacts and contact the Massachusetts Board of Underwater Archaeological Resources (BUAR) and other appropriate agencies.

Conclusion

The ENF has sufficiently defined the nature and general elements of the project for the purposes of MEPA review and demonstrated that the project's environmental impacts will be avoided, minimized and/or mitigated to the extent practicable. Based on review of the ENF and comments received, and in consultation with State Agencies, I have determined that no further MEPA review is required.

January 4, 2019

Date

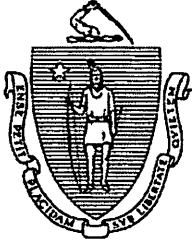


Matthew A. Beaton

Comments Received:

12/10/2018	Board of Underwater Archaeological Resources (BUAR)
12/17/2018	Division of Fisheries and Wildlife (DFW) Natural Heritage and Endangered Species Program (NHESP)
12/21/2018	Department of Environmental Protection (MassDEP) Western Regional Office (WERO)

MAB/EFF/eff



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) 626-1141 Fax (617) 626-1240 Web Site: www.mass.gov/orgs/board-of-underwater-archaeological-resources

December 10, 2018

Secretary Matthew A. Beaton
Executive Office of Energy and Environmental Affairs
Attention: Erin Flaherty, MEPA Unit
100 Cambridge St., Suite 900
Boston, MA 02114

RE: Proposed dredging of Rockwell Pond, Rock-A-Dundee Road, Hampden (EEA# 15947)

Dear Secretary Beaton,

The staff of the Massachusetts Board of Underwater Archaeological Resources (BUAR) has reviewed the above referenced project's ENF (EEA#15947) prepared by GZA GeoEnvironmental, Inc., on behalf of the Rockwell Family. We offer the following comments.

The Board has conducted a preliminary review of its files and secondary literature sources to identify known and potential submerged cultural resources in the proposed project area. No record of any underwater archaeological resources was found within the project area. Based on the results of this review, the Board considers this project unlikely to adversely 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 affects and notify the Board, as well as other appropriate agencies in accordance with the Board's *Policy Guidance for the Discovery of Unanticipated Archaeological Resources*.

The Board appreciates the opportunity to provide these comments. Should you have any questions regarding this letter, please do not hesitate to contact me at the address above, by telephone at (617) 626-1141 or by email at victor.mastone@state.ma.us.

Sincerely,

A handwritten signature in black ink, appearing to read "Victor T. Mastone".

Victor T. Mastone
Director

/vtm



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

Matthew A. Beaton
Secretary

Martin Suuberg
Commissioner

December 21, 2018

Matthew A. Beaton, Secretary
Executive Office of Energy & Environmental Affairs
Massachusetts Environmental Policy Act Office
Erin Flaherty, EEA No. 15947
100 Cambridge Street, 9th Floor
Boston, MA 02114-2524

Re: Rockwell Pond Dredging ENF
Hampden, MA

Dear Secretary Beaton,

The Massachusetts Department of Environmental Protection (MassDEP), Western Regional Office (WERO) appreciates the opportunity to comment on the Environmental Notification Form (ENF) submitted for the Rockwell Pond Dredging project in Hampden (EEA #15947). Applicable MassDEP regulatory and permitting considerations regarding wetlands, hazardous waste, solid waste, and waste site cleanup are discussed.

I. Project Description

The owner of the property, Mr. Geoffrey Rockwell, (Proponent) has submitted an ENF for the Rockwell Pond Dredging project in Hampden; the Rockwell Pond is a run of river impoundment on the Scantic River. The Rockwell Pond dredging project proposes to dredge approximately 20,500 cubic yards (cy) of sediment from the 3.3 acre pond to reestablish the depth of water for this pond utilized for recreation. Dredged materials from the pond will remain on an upland area of the owner's property, approximately 0.7 miles from the pond, which has been partially cleared through forest management practice. The water level in the pond will be drawn down and pump around conducted so that the project will be conducted as a dry dredge. The average depth of the pond will increase from approximately 2 to 6 feet.

The project will require a 401 Water Quality Certificate from the Massachusetts Department of Environmental Protection and an Order of Conditions from the Hampden Conservation Commission. The Proponent is coordinating the work with the Natural Heritage and Endangered Species Program. The project may also require authorization from the U.S. Army Corps of Engineers in accordance with Section 404 of the Federal Clean Water Act.

Environmental impacts (temporary) from the proposed project are as follows:

- 40 linear feet of bank;
- 144,900 square feet (s.f.) of land under water
- 5,575 s.f. of Bordering Land Subject to Flooding.

II. Required Mass DEP Permits and/or Applicable Regulations

Wetlands

310 CMR 10.000

314 CMR 9.00

Air Pollution

310 CMR 7.00

Solid Waste

310 CMR 19.00

Bureau of Waste Site Cleanup

310 CMR 40.0000

III. Permit Discussion

Bureau of Resource Protection

Wetlands

This project is subject to the Wetlands Protection Act and the associated regulations. A Notice of Intent must be filed with the Hampden Conservation Commission and prior to commencement of project construction a final Order of Conditions must be issued by the Commission.

If a Notice of Intent is filed prior to completion of the MEPA process, MassDEP will advise the Conservation Commission to hold any hearing open until the Secretary's Certificate is issued and all comments are received from other State and Federal permitting agencies, as appropriate. MassDEP will not issue any permits until the MEPA process is completed.

Some resource area impacts are listed as temporary in the ENF; the Proponent should be aware that the Wetlands Protection Act and associated regulation do not have a designation of "temporary impacts" to resource areas. Impacts to resource areas can however be mitigated through "in-situ" replication.

The Site appears to contain Bank (Inland), Land Under Water Bodies and Waterways (LUWW), Bordering Vegetated Wetlands, Bordering Land Subject to Flooding and Riverfront Area.

Resource Delineation

All delineation of jurisdictional resource areas should be accomplished through flagging in the field, surveying, and then presentation on a scaled site plan. All resource area alteration should be quantified.

Limited Project Provisions

Portions of the project may be eligible for review under limited project provisions. As for all limited projects, allowance under these provisions is at the discretion of the local Commission and to the extent practicable, work must comply with the *General Performance Standards*.

401 Water Quality Certification

As proposed, this project will require a 401-water quality certification (WQC) dredge permit. Under these regulations impacts are to be avoided, minimized and mitigated; the proponent is required to provide sufficient information to adequately describe cumulative impacts to "Waters

of the United States within the Commonwealth" (Bordering and Isolated Vegetated Wetlands and Land Under Water). The Proponent has provided sediment quality analysis indicating the sediments may be reused on upland, outside of endangered species habitat. Guidance is provided in COMM-94-007 "Interim Policy for Sampling, Analysis, Handling and Tracking Requirements for Dredged Sediment Reused or Disposed at Massachusetts Permitted Landfills": <https://www.mass.gov/guides/interim-policy-comm-94-007-dredged-sediment-reuse-or-disposal>.

The Proponent should submit a copy of the application to both the Western Regional and the Boston Office of MassDEP for review; the permit will be issued from the Boston office.

Cold Water Fishery

The Scantic River is designated as a cold water fishery. Dewatering activities should be conducted so that no sediment enters resource areas. As discussed at the site visit, the Proponent will ensure that minimum stream flow is maintained during the work and that adequate capacity for bypassing the work area or provisions will be stipulated to accommodate heavy rain events.

Bureau of Waste Prevention

Air Pollution Control

Construction Activities

The construction 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 Regulations 310 CMR 7.01, 7.09, and 7.10.

Construction Period Air Quality Mitigation Measures

MassDEP recommends that the project Proponent's contractors participate in the MassDEP Diesel Retrofit Program. In addition, pursuant to 40 CFR 80.510, all non-road engines shall be operated using only ultra low sulfur diesel (ULSD) with a sulfur content of 15 ppm.

Solid Waste

Reuse or disposal of the dewatered sediments is addressed under the 401 WQC comments.

The Proponent shall properly manage and dispose of any 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).

The Proponent is advised that construction activity at the site must comply with both Solid Waste and Air Quality Control regulations. The appropriate Solid Waste provisions addressing this include M.G.L. Chapter 40, Section 54.

Bureau of Waste Site Cleanup

The Massachusetts Contingency Plan (MCP- 310 CMR 40.0000) governs the cleanup of oil and hazardous material (OHM) releases in Massachusetts. There are no identified releases at this site. The Proponent is advised that if oil/hazardous material contamination is encountered

during construction activities, a Licensed Site Professional (LSP) should be retained to manage the contaminated media in compliance with the provisions of the MCP.

Spills Contingency Plan

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

MassDEP is available to discuss all pre-permitting aspects as the project moves forward if requested.

If you have any questions regarding this comment letter please do not hesitate to call Catherine Skiba at (413)-755-2119 or Email: catherine.skiba@state.ma.us.

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



MASSWILDLIFE

DIVISION OF FISHERIES & WILDLIFE

1 Rabbit Hill Road, Westborough, MA 01581
p: (508) 389-6300 | f: (508) 389-7890
MASS.GOV/MASSWILDLIFE

December 17, 2018

Matthew A. Beaton, Secretary
Executive Office of Energy and Environmental Affairs
Attention: MEPA Office
Erin Flaherty, EEA No. 15947
100 Cambridge St.
Boston, Massachusetts 02114

Project Name: Rockwell Pond Dredging
Proponent: Rockwell, et al. c/o Geoffrey Rockwell
Location: Rock-a-Dundee Road
Document Reviewed: Environmental Notification Form
EEA No.: 15947
NHESP No.: 17-36323

Dear Secretary Beaton:

The Natural Heritage & Endangered Species Program of the Massachusetts Division of Fisheries & Wildlife (the "Division") has received and reviewed the Environmental Notification Form (ENF) for the proposed Rockwell Pond Dredging Project (the Project) and would like to offer the following comments regarding state-listed species and their habitats.

The Project site is mapped as Priority and Estimated Habitat for the following state-listed species:

Table with 4 columns: Common Name, Scientific Name, State Status, Taxonomic Group. Rows include Wood Turtle, Eastern Box Turtle, and Eastern Worm Snake.

All state-listed species and their habitats are protected pursuant to the Massachusetts Endangered Species Act (MGL c.131A) and its implementing regulations (MESA; 321 CMR 10.00). A Fact Sheet for these species can be found on our website, www.mass.gov/nhesp.

Based on a preliminary review of the information provided in the ENF and information contained in our database, the Division anticipates that the proposed project will not require a MESA Conservation & Management Permit (321 CMR 10.23) to proceed. The Project was revised during a pre-filing consultation with the Division to; avoid dredging of a sandbar area at the inlet delta of the Scantic River, conduct work in adherence to timing restriction (no work between October 1 and April 1), implement a

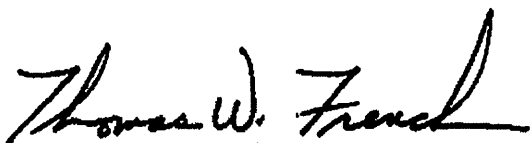
MASSWILDLIFE

Division-approved turtle-protection plan, and enhance nesting habitat with suitable dredged materials. We will look forward to receiving a direct filing pursuant to the Massachusetts Endangered Species Act (MESA 321 CMR 10.00).

The Division will not render a final decision until the MEPA review process and its associated public comment period is complete, and until all required application materials have been submitted to the Division. As the MESA review process has not formally been conducted, no alteration to the soil, surface, or vegetation associated with the proposed Project shall occur on the property until the Division has made a final decision pursuant to 321 CMR 10.18.

If you have any questions about this letter, please contact Misty-Anne Marold, Senior Endangered Species Review Biologist, at (508) 389-6356 or misty-anne.marold@mass.gov. We appreciate the opportunity to comment on this project.

Sincerely,

A handwritten signature in black ink that reads "Thomas W. French". The signature is written in a cursive style with a large, sweeping flourish at the end.

Thomas W. French, Ph.D.
Assistant Director

cc: Nathaniel Y. Arai, GZA GeoEnvironmental, Inc.
Town of Hampden Select Board
Town of Hampden Planning Board
Town of Hampden Conservation Commission
David Foulis, MA DEP Western Regional DEP Office, Wetlands
Paul Sneeringer, US Army Corps of Engineers