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March 27, 2009

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

PROJECT NAME : Rehabilitation of Route 169 Roadway
PROJECT MUNICIPALITY : Southbridge
PROJECT WATERSHED : Quinebaug
EEA NUMBER : 14376
PROJECT PROPONENT : Massachusetts Highway Department
DATE NOTICED IN MONITOR : February 25, 2009

Pursuant to the Massachusetts Environmental Policy Act (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).

As described in the Environmental Notification Form (ENF), the project consists of the reconstruction of 3.1 miles of Route 169 (North Woodstock Road) from the Connecticut border to the intersection of Route 169 and Golf Street in Southbridge. The purpose of the project is to improve travel conditions and safety in the corridor because the existing pavement is in poor condition and stormwater management infrastructure is substandard. These improvements will be designed to meet the Massachusetts Department of Environmental Protection's (MassDEP) Stormwater Management Policy. Two wetland resource areas will be impacted along Route 169. The project will require clearing and thinning of roadside vegetation and removal of trees within the roadway layout.

Jurisdiction

The project is undergoing review pursuant to Section 11.03(6)(b)(1)(b), Section 11.03(6)(b)(2)(b), and Section 11.03(6)(b)(2)(c) of the MEPA regulations because the project

will receive State funding and will widen an existing roadway by four or more feet for one-half or more miles, cut five or more living public shade trees of 14 or more inches in diameter at breast height and eliminate 300 or more feet of stone wall. The project will require a National Pollutant Discharge Elimination System (NPDES) Construction General Permit issued by the United States Environmental Protection Agency (U.S. EPA) and a Section 404 Programmatic General Permit from the U.S. Army Corps of Engineers. The project will also require an Order of Conditions from the Southbridge Conservation Commission.

The project will be undertaken by and financed in part by MassHighway, a State agency. Therefore, MEPA jurisdiction for this project is broad and extends to all aspects of the project that are likely, directly or indirectly, to cause Damage to the Environment as defined in the MEPA regulations.

Traffic/Transportation

The project will improve the travel conditions and safety of the deteriorating roadway. The project is not designed to increase roadway capacity, but to provide a consistent roadway cross-section and improve drainage, sight distances, and intersection geometry. MassHighway has proposed several design exceptions along the project length to limit overall environmental impacts. Stone walls located within the highway layout will be reset behind the layout line as necessary. Several new, dry-laid stone retaining walls will also be constructed along the roadway to facilitate grade changes.

The project will require the removal of woody vegetation along the edge of the roadway to allow for widening or grading. Part of the corridor is bordered by thick, mature vegetation. MassHighway should work with the Town of Southbridge to mitigate the loss of these public shade trees.

Wetlands

Two wetland resource areas will be impacted along Route 169. One wetland area is located 350 feet south of the intersection of Tipton Rock Road and Route 169. The wetland is located at the outlet of a 12 inch pipe and is an impact of approximately 40 square feet. The second wetland area is located approximately 1,000 feet south of the intersection of Old North Woodstock Road and Route 169 at the outlet of a 36 inch cross pipe. This wetland impact is approximately 229 square feet. A wetland replication area of 1:1 will be located on the west side of the roadway across from the larger impacted wetland. I remind MassHighway that the wetland resource areas are regulated under the Massachusetts Wetlands Protection Act and that MassHighway should continue to consult with the Southbridge Conservation Commission and address the issues raised in the Massachusetts Department of Environmental Protection's (MassDEP) comment letter.

Stormwater

The ENF indicates that the project will incorporate Best Management Practices (BMPs) that are described in the Massachusetts Highway Department's (MassHighway) Stormwater

Handbook which includes new drop inlets, water quality swales, and reconfigured or fully replaced catch basins. BMPs will minimize construction period erosion and sedimentation. I remind the proponent that the project will be require a Stormwater Pollution Prevention Plan (SWPPP) consistent with the NPDES Construction General Permit.

Flood Zone

The project involves activities within a 100-year floodplain as delineated on the current effective Flood Insurance Rate Map (FIRM) for Southbridge, dated March 15, 1982. The Department of Conservation and Recreation's (DCR) Flood Hazard Management Program (FHMP), under agreement with the Federal Emergency Management Agency (FEMA), is the state coordinating agency for the National Flood Insurance Program (NFIP). Communities such as Southbridge that participate in the NFIP are required by FEMA, as a condition of their participation, to regulate development within the 100-year floodplain in a manner that meets or exceeds the minimum standards established by FEMA. Southbridge has a zoning ordinance that includes a Floodplain District section which has been accepted by FEMA as meeting their requirements under the NFIP.

The proposed project site includes components within the 100-year floodplain and the floodway of the Lebanon Brook. This necessitates compliance with several state and local measures related to floodplain development. DCR's FHMP comment letter notes several state regulatory requirements that the project will need to comply with and additionally indicates that projects within the 100-year floodplain which involve any federal action must comply with federal Executive Order 11988, Floodplain Management. This executive order requires an eight-step decision-making process which includes analyses of alternatives, avoiding impacts when possible, and minimizing impacts when avoidance is not possible. Because the project requires a NPDES Construction General Permit issued by U.S. EPA and a U.S. Army Corps of Engineers Programmatic General Permit, Executive Order 11988 is applicable.

Rare Species

According to the Natural Heritage and Endangered Species Program (NHESP), portions of the proposed project are located within *Priority Habitat* and *Estimated Habitat* of Rare Species as indicated in the 13th Edition of the Massachusetts Natural Heritage Atlas. The NHESP identified in its comment letter that the following state-listed species within or in the immediate vicinity of the project site: Triangle Floater (*Alasmidonta undulate*) and the Marbled Salamander (*Ambystoma opacum*). These species are protected under the Massachusetts Endangered Species Act (MESA)(M.G.L. c.131A) and its implementing regulations (321 CMR 10.00). The NHESP has indicated that they anticipate being able to address any state-listed species concerns through the MESA review process.

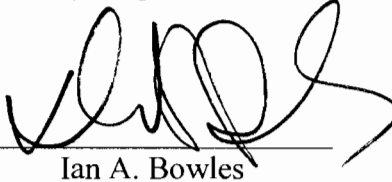
Conclusion

Based on the information in the ENF and after consultation with relevant public agencies, I find that no further MEPA review is required at this time. The project may proceed to State permitting. I remind MassHighway that a Notice of Project Change (NPC) may be required if

additional drainage work (culvert extensions, headwall construction, etc.) is undertaken in the future. MassHighway should consult with the MEPA Office to determine if an NPC should be filed upon determining the scope of additional drainage improvements that may be proposed in the future.

March 27, 2009

Date



Ian A. Bowles

Comments received:

03/12/09 Department of Conservation and Recreation – Flood Hazard Management Program
03/12/09 Massachusetts Division of Fisheries and Wildlife – Natural Heritage and Endangered Species Program (NHESP)
03/17/09 Massachusetts Department of Environmental Protection – CERO

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