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July 11, 2008

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

PROJECT NAME: Camp Eisner Pond Dredging  
PROJECT MUNICIPALITY: Great Barrington  
PROJECT WATERSHED: Housatonic River  
EEA NUMBER: 14257  
PROJECT PROPONENT: The Camp Institute for Living Judaism  
DATE NOTICED IN MONITOR: June 11, 2008

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H) 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 involves the dredging of 18,366 cubic yards (cy) of material from Camp Eisner Pond in Great Barrington. Camp Eisner Pond is a man-made impoundment formed by an earthen dam across Roaring Brook located entirely within the Camp Institute for Living Judaism's 297-acre summer camp property. The pond is used for fire protection and recreation use including swimming, non-motorized boating and fishing. The Camp maintains a small beach on the western edge of the pond and a large platform/dock structure on the eastern edge. There is also a gazebo structure located in the pond that is accessible by water only.

The pond water surface is approximately 3.3 acres in its existing state. Roaring Brook and an unnamed intermittent stream direct base flows into the pond. The pond outlets via a stream that flows to the Housatonic River. The Housatonic River and surrounding wetlands in the vicinity of the pond are mapped as habitat for four state-listed species protected pursuant to the

Massachusetts Endangered Species Act (MESA). Storm events have resulted in significant sediment transport and deposition over the approximate 70-year history of the pond. Historic information indicates that the pond has lost approximately two to four feet in water depth and approximately 60,400 square feet (sf) of Land Under Water has reverted to Bordering Vegetated Wetland (BVW). The Proponent proposes to remove siltation from the pond to restore water depth and restore the pond surface to its original 4.24 acres. The project is proposed to occur in two phases. The first phase entails using conventional excavation techniques following partial drawdown of the pond; Phase 2 will complete the project using hydraulic dredging methods for the remainder of the pond.

### Jurisdiction

The project is undergoing review pursuant to the following sections of the MEPA regulations: 301 CMR 11.03(3)(b)(1)(d), because it will result in the alteration of more than 5,000 square feet (sf) of BVW; 301 CMR 11.03(3)(b)(1)(f), because it will result in the alteration of more than ½ an acre of “any other wetlands”; and 301 CMR 11.03(3)(b)(3), because it requires the dredging of 10,000 or more cy of material.

The project requires a National Pollutant Discharge Elimination System (NPDES) General Construction Permit from the U.S. Environmental Protection Agency (EPA); a possible Section 404 Dredge Permit from the U.S. Army Corps of Engineers (ACOE); a 401 Water Quality Certificate (WQC) from the Department of Environmental Protection (MassDEP); review by the Division of Fisheries and Wildlife Natural Heritage and Endangered Species Program (NHESP); and an Order of Conditions from the Great Barrington Conservation Commission.

The Proponent is not seeking financial assistance from the Commonwealth. Therefore, MEPA jurisdiction applies to those aspects of the project within the subject matter of required or potentially required state permits and/or review with the potential to cause damage to the environment. In this case, MEPA jurisdiction extends to wetlands and rare species.

### Wetlands/Dredging

The following wetland resource areas are associated with the Camp Eisner Pond and associated streams: BVW, Bank, Land Under Water (LUW), Riverfront Area and Bordering Land Subject to Flooding (BLSF). The project will result in the following impacts to resource areas:

1,192.75 linear feet (lf) of temporary disturbance to Bank. 600 lf of Bank will be restored while 592.75 lf of Bank will be permanently impacted.

40,763 sf of BVW will be permanently converted to Land Under Water.

0.25 acres of Riverfront Area will be temporarily impacted.

The Proponent intends to file a Notice of Intent (NOI) for the dredging project with the Great Barrington Conservation Commission under the limited project provisions of the Wetlands Protection Act (WPA). In its comments on the Notice of Intent application and ENF, MassDEP

questioned whether 310 CMR 10.53(4) applies to the proposed project, as recreational and aesthetic uses are not listed as Interests of the WPA. If the Great Barrington Conservation Commission determines that the project cannot be reviewed as a limited project, the Proponent must comply with the general performance standards of the WPA, which may require the submission of a Notice of Project Change (NPC) if the Proponent is required to replicate unavoidable BVW impacts.

The Proponent considered several alternative dredging methods during project planning including the no-dredge alternative, the conventional “in the dry” dredging method, and hydraulic dredging. The Proponent eliminated the no-dredge alternative from consideration as it would lead to the eventual loss of the pond resource. The ENF presented a discussion of the trade-offs between conventional and hydraulic dredging. The hydraulic dredge method could present short term impacts to pond aquatic habitat and water quality caused by turbidity. The conventional dredging alternative requires the drawdown of the pond and could result in adverse impacts associated with extended exposure of the pond bottom and downstream sedimentation.

The Proponent’s preferred alternative is a combination of dry and hydraulic dredging. The Proponent states that using hydraulic dredging alone is not sufficient as the existing water level along southern portions of the pond are too shallow for the hydraulic dredge equipment to work effectively. The Proponent proposes to phase the project and undertake a dry dredge of the southern shoreline during one dredging season. Water levels would be reduced to expose approximately 1.3 acres of Land Under Water leaving a two-acre pond for use by waterfowl and for organisms which would repopulate the pond after the first phase of dredging was complete. The second phase of dredging would be completed the following season using hydraulic dredging.

The dredged material will be pumped to a de-watering facility on shore that will feature grit chambers and sediment slurry conditioning followed by either geotextile fabric tubes or belt filter presses for final de-watering. De-watered sediments will be reused or disposed of in accordance with the 401 Water Quality Certificate. Clarified water will be monitored carefully for turbidity prior to discharge to Roaring Brook. The Proponent should investigate the possibility of installing a sediment control Best Management Practice (BMP) at the site to minimize future sediment deposition into the pond.

Following a recommendation from MassDEP, the Proponent should review information in the “*Guidance for Aquatic Plant Management in Lakes and Ponds as it relates to the Wetlands Protection Act*” (<http://www.mass.gov/dep/water/laws/alkguide.pdf>) and “*Eutrophication and Aquatic Plant Management – Final Generic Environmental Impact Report*” ([http://www.mass.gov/dcr/watersupply/lakepond/downloads/main\\_geir.pdf](http://www.mass.gov/dcr/watersupply/lakepond/downloads/main_geir.pdf)) for its applicability to the proposed project.

### Rare Species

According to NHESP, Camp Eisner Pond is located upstream of the habitat of the following rare species:

- Triangle Floater (Special Concern)
- Creeper (Special Concern)
- Wood Turtle (Special Concern)
- Longnose Sucker (Special Concern)

In its comments on the ENF, NHESP states that the actual dredging of Camp Eisner Pond will not result in impacts to habitat within the pond itself. However, NHESP has concerns regarding the impact of the proposed partial drawdown on habitat in the outlet stream and the Housatonic River. The Proponent should provide NHESP with additional information related to the sequencing of work, maintenance of the pond drawdown bypass flow, and proposed work timing to demonstrate that sufficient protective measures will be implemented to protect rare species habitat. NHESP anticipates that with careful planning to protect downstream habitats, the project should be able to avoid impacts to state-listed species and habitat.

The Proponent states in the ENF that it has prepared a "Camp Eisner Pond Management Plan" to address long-term maintenance and management issues for the pond. NHESP has indicated that it has not received a copy of the Management Plan and that it is unable at this time to assess the project's consistency with the performance standards in the WPA for rare wildlife habitat at 310 CMR 10.58(4)(b) and 10.59. The Proponent should ensure that a copy of the Management Plan is received by NHESP, MassDEP and the Great Barrington Conservation Commission during the local wetlands permitting process. The Proponent should commit to coordinating with NHESP regarding long-term pond management and maintenance.

### Conclusion

Following a review of the ENF and the comments entered into the record, I find that the impacts of the project within MEPA jurisdiction do not warrant the preparation of an EIR. I conclude that no further MEPA review is required. The Proponent may resolve any remaining issues during the state and local permitting processes.

July 11, 2008

Date



Ian A. Bowles

### Comments received:

6/12/2008	Berkshire Regional Planning Commission
6/24/2008	Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program
7/1/2008	Department of Environmental Protection, Western Regional Office

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