



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

Deval L. Patrick
GOVERNOR

Timothy P. Murray
LIEUTENANT GOVERNOR

Ian A. Bowles
SECRETARY

Tel: (617) 626-1000
Fax: (617) 626-1181

<http://www.mass.gov/envir>

August 22, 2008

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

PROJECT NAME : Reconstruction of River Road
PROJECT MUNICIPALITY : Florida
PROJECT WATERSHED : Deerfield
EEA NUMBER : 14103R
PROJECT PROPONENT : Massachusetts Highway Department (MassHighway)
and the Town of Florida
DATE NOTICED IN MONITOR : July 23, 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).

The proposed project consists of roadway improvements along River Road from its intersection with Whitcomb Hill Road continuing southerly for approximately one mile. The purpose of the project is to address deteriorated pavement conditions as well as inadequate shoulder width and drainage. Impacts associated with the project include alteration of approximately 2.5 acres of land, which includes approximately 0.26 acres of new impervious area and alteration of Bordering Vegetated Wetlands (146 square feet (sf)) and Land Under Water (152 sf). Bank impacts associated with project are estimated in the Environmental Notification form (ENF) at 78 linear feet (lf), which includes 33 lf of permanent impact due to culvert replacement. The project will result in alteration of 87,700 sf of Bordering Land Subject to Flooding (BLSF), which includes 13,700 sf of new pavement and slope rip rap and replacement of loam and seed on 74,000 sf of BLSF. The project will result in alteration of 117,973 sf of Riverfront Area, which includes 23,802 sf of new pavement and slope rip rap and replacement of loam and seed on 94,171 sf of Riverfront Area.

The project is undergoing MEPA review because it is being undertaken by a state agency and because it exceeds the MEPA review threshold at Section 11.03(6)(b)(2)(b) for cutting of five or more living public shade trees of 14 or more inches in diameter at breast height and Section 11.03(3)(b)(1)(f) because it will result in alteration of one-half acre or more of wetlands. The project requires a Property Access Permit from the Massachusetts Department of Conservation and Recreation (DCR) for an easement on the Brookfield Power Company property on which DCR holds a Conservation Restriction. The project requires an Order of Conditions from the Florida Conservation Commission (and, on appeal only, a Superseding Order from the Massachusetts Department of Environmental Protection (MassDEP)). The project is subject to review by the Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program (NHESP) pursuant to the Massachusetts Endangered Species Act (MESA). The project may require a National Pollutant Discharge Elimination System (NPDES) Construction Stormwater General Permit from the U.S. Environmental Protection Agency (EPA).

Because the project will be undertaken by a state agency (MassHighway), MEPA jurisdiction extends to all aspects of the project that may cause Damage to the Environment as defined in the MEPA regulations.

The proponents previously filed an ENF, which was subsequently withdrawn, in September 2007. The resubmitted ENF indicates that the project has been reduced from approximately 1.4 miles to a 1.0-mile portion of roadway, and that the project will no longer involve an Article 97 land disposition as previously proposed. In addition, estimates for wetlands impacts have been recalculated and impacts have been reduced since the previous filing.

The proposed project will result in a uniform pavement width of 23 feet on River Road. The proposed cross section meets the minimum width required for travel lanes and shoulders for a MassHighway defined "Low Speed/Low Volume Roadway". The ENF indicates that the narrower widths are proposed to reduce the amount of Right-of-Way acquisition and slope easements required, the number of trees to be removed, and the impacts to adjacent wetland areas. In addition, side slopes have been modified from 4:1 to 1:1 to reduce the amount of fill needed. The project involves removal of 46 public shade trees. The proponents indicate that replacement of mature trees is not feasible due to steep slopes and limited right-of-way for the project. However, the revised design incorporates live shrub cuttings into the slope area. The proponents should implement a monitoring plan to ensure survival of the shrub plantings.

The Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program has reviewed a revised Notice of Intent (NOI) and Massachusetts Endangered Species Act (MESA) filing for the project. Provided that the project as proposed in the resubmitted ENF covers the same work areas identified in the NOI and MESA filings, the NHESP does not anticipate impacts to state-listed species. According to the NHESP determination, dated July 11, 2008, the project appears to meet the state-listed performance standard for the issuance of an Order of Conditions. The proponents should ensure that the project is implemented in accordance with the conditions specified by NHESP in order to avoid a prohibited "take" of state-listed species.

MassDEP indicates in its comment letter that it has provided comments to the Florida Conservation Commission to address issues relating to General Performance Standards for Bordering Vegetated Wetlands, Bordering Land Subject to Flooding, and temporary Riverfront impacts. The DCR Flood Hazard Management Program has commented on the potential need for compensatory storage, which the proponents should discuss further with the Conservation Commission. The proponents should consult with the Commission regarding additional information and/or mitigation that may be required as part of the local review and permitting process. The proponents should also ensure that the project incorporates mitigation measures for air pollution control, solid waste management and disposal measures, and an oil and hazardous material spills contingency plan as further detailed in the MassDEP comment letter. The proponents should consult with MassDEP, as requested in its comment letter, regarding environmental impacts associated with the use of perchlorate-containing blasting agents and explosives, and measures to avoid and minimize impacts.

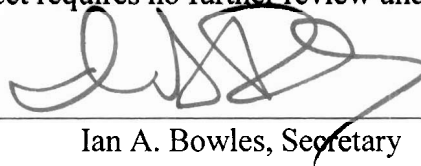
I note the Berkshire Regional Planning Commission (BRPC) and the Berkshire Environmental Action Team (BEAT) comments on invasive species, stormwater and other issues. Based on the NHESP comment letter, the proponents' revised filing included adequate erosion control and an invasive plant monitoring plan. I encourage the proponent to consult with the BRPC and BEAT, and provide additional information to respond to their comments.

The proponent has committed to measures to avoid and minimize or mitigate impacts including measures to protect state-listed species, BVW replication (396 sf for 146 sf impacted), shrub plantings, and stormwater management Best Management Practices (BMPs). The ENF indicates that the Town of Florida will be responsible for maintenance of all stormwater BMPs. The Town should ensure that an Operations and Maintenance Plan is implemented to ensure effective long-term functioning of the system.

The ENF has defined the nature and general elements of the project, including potential impacts, and proposed measures to avoid and minimize, or mitigate environmental impacts. Based on a review of the ENF, comments received, and consultation with relevant public agencies, I find that the project does not warrant preparation of an EIR. I am satisfied that any remaining issues can be adequately addressed during the state funding and permitting, and the local permitting processes. The proposed project **requires no further review under MEPA.**

August 22, 2008

DATE



Ian A. Bowles, Secretary

Comments Received:

7/28/08 Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program
 8/04/08 Department of Conservation and Recreation, Flood Hazard Management Program
 8/06/08 Berkshire Regional Planning Commission
 8/12/08 Massachusetts Department of Environmental Protection
 8/12/08 Berkshire Environmental Action Team

IAB/AE/ae