

The Commonwealth of Massachusetts

Executive Office of Environmental Affairs

100 Cambridge Street, Suite 900

Boston, MA 02114-2524

MITT ROMNEY
GOVERNOR

KERRY HEALEY
LIEUTENANT GOVERNOR

ROBERT W. GOLLEDGE, JR.
SECRETARY

Tel. (617) 626-1000
Fax. (617) 626-1181
<http://www.mass.gov/envir>

December 22, 2006

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

PROJECT NAME	: Uxbridge Rod & Gun Club Pond Restoration Project
PROJECT MUNICIPALITY	: Uxbridge
PROJECT WATERSHED	: Blackstone
EOEA NUMBER	: 13918
PROJECT PROPONENT	: Rod & Gun Club Replication, LLC
DATE NOTICED IN MONITOR	: November 22, 2006

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

As described in the Environmental Notification Form (ENF), the proposed project involves the cold water fisheries habitat restoration of Lee Reservoir, an existing man-made 10.5-acre impoundment (3' - 4' depth) of Skadden's Brook and located on a 110-acre parcel of property off West Road in Uxbridge. The proposed restoration activities involve the temporary dewatering of the entire impoundment, the mechanical dredging of approximately 8.7 acres (145,225 cubic yards (cy)) of Lee reservoir, and the removal of several invasive plant species including Water-Milfoil (*Myriophyllum spp.*), Water Shield (*Brasenia shreberi*), and Pond-lily (*Nymphaea odorata*). As currently designed, the proponent's dredging activities will result in the creation of three habitat depths (Shallow Marsh Habitat - 2'-4', Deep Marsh Habitat - 6', and Deep Water Habitat - 30').

As described in the ENF, the proponent proposes to locate the construction and dredge/haul accessway at the northwest corner of the project site. A temporary organics stockpile will be located along the southern boundary of the Reservoir for reuse in the habitat restoration project. According to the proponent's statements at the MEPA consultation session held for this project, the dredged material will be trucked off-site to be used as construction fill material.

The project is undergoing review pursuant to section 11.03 (3)(a)(1) of the MEPA regulations, because the project requires state permitting and results in the alteration of one or more acres (approximately 8.7 acres) of land under water (LUW) wetlands resource area. The project will require a 401 Water Quality Certification from the Department of Environmental Protection (MassDEP); and an Order of Conditions from the Uxbridge Conservation Commission (and hence a Superseding Order of Conditions from DEP if the local Order were appealed). The project will also require a Section 404 Individual Permit from the U.S. Army Corps of Engineers. In addition to State wetlands permits, the project will require an individual Section 404 Permit from the U.S. Army Corps of Engineers.

Wetlands

The ENF submitted for this project contains a project site plan that delineates resource area boundaries, riverfront areas, applicable buffer zones, and priority habitat areas. According to the proponent, the proposed restoration/dredging project will not result in the alteration of wetland resource areas. The proponent has proposed to install temporary piping and pumps to temporarily route any seasonal low flow around the outside of the work area to the existing spillway. The proponent will need to demonstrate that the construction period impacts have been minimized, and that the project will be accomplished in a manner that is consistent with the Performance Standards of the Wetlands Regulations (310 CMR 10.00).

Rare Species

In their comments, the Natural Heritage and Endangered Species Program (NHESP) indicated that the project site is located within Priority and Estimated Habitat for the Wood Turtle (*Glyptemys insculpta*) and the Mocha Emerald (*Somatochlora linearis*). These species are state listed as species of "Special Concern" in accordance with the Massachusetts Endangered Species Act (MESA, MGL c131A). The proponent has committed to implement a proposed Time-Of-Year (TOY) construction schedule (July 1 – October 31) to correlate with historic low flow conditions to minimize project impacts to wetland and rare species resource areas. The proponent has also committed to construct a temporary earth berm along the northern reservoir impoundment boundary separating the project construction area from abutting priority habitat. In their comments, MassDEP has indicated that the proponent will need to provide additional information to MassDEP pertaining to the temporary separation of the project site from the priority habitat areas.

NHESP has indicated that the project may be able to avoid a "take" of rare species through the implementation of necessary project construction conditions to the protection rare species habitat, especially those construction activities located near the existing inlet and outlet of the impoundment. I ask that the proponent forward a copy of the final project site plan with any conditions to the MEPA Office for the project file.

Construction

Proposed activities, including construction mitigation, erosion and sedimentation control, sediment dewatering, phased construction, and drainage discharges or overland flow into wetland areas, will be evaluated by MassDEP during the permitting process. The proponent will need to satisfactorily demonstrate to MassDEP that the construction period impacts have been minimized, and that the project will be accomplished in a manner that is consistent with the Performance Standards of the Wetlands Regulations (310 CMR 10.00). As noted above, the timing of the construction period will prove to be a key variable in assessing the project's impacts. According to the information provided in the ENF, the project is expected to result in temporary impacts to wetland and rare species resources located within and adjacent to the project site.

Mitigation

As described in the ENF, the proponent proposes to reuse the top layer of organic material dredged from the reservoir as seed base material in the construction of the proposed restored marsh habitat areas, and to allow for the natural re-vegetation of a portion of the reservoir's south boundary adjacent to the existing spillway.

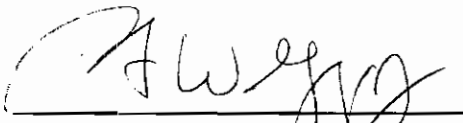
Circulation

The EIR should be circulated in compliance with Section 11.16 of the MEPA regulations and copies should also be sent to the list of "comments received" below and to the Town of Tisbury officials. A copy of the EIR should be made available for public review at the Uxbridge Public Library.

Based on the comments received, I believe that an EIR is not required for this project. The review of the ENF has served to demonstrate that the impacts of the project do not warrant the preparation of an EIR.

However, the proponent must satisfactorily address the comments received from the Natural Heritage and Endangered Species Program and MassDEP, particularly with respect to the proponent's proposed process for temporarily dewatering the reservoir and the project's potential impacts to rare species habitat. I strongly encourage the proponent to continue to consult with local, state, and federal regulators during final project design.

December 22, 2006
DATE



Robert W. Golledge, Jr., Secretary

Comments received:

12/11/06 MA Department of Environmental Protection (MassDEP) - CERO
12/14/06 Natural Heritage and Endangered Species Program

ENF #13918

RWG/NCZ/ncz