

For Office Use Only Executive Office of Environmental Affairs MEPA Analyst: <i>Bliony Angus</i> Phone: 617-626- <i>1029</i>
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# NPC

## Notice of Project Change

The information requested on this form must be completed to begin MEPA Review of a NPC in accordance with the provisions of the Massachusetts Environmental Policy Act and its implementing regulations (see 301 CMR 11.10(1)).

Project Name: <b>Reconstruction of Benedict Pond Dam</b>		EOEA #: <b>12663</b>
Street: <b>Benedict Pond Road</b>		
Municipality: <b>Great Barrington/Monterey</b>	Watershed: <b>Housatonic</b>	
Universal Transverse Mercator Coordinates: UTM NAD 83 meters X: <b>6 41 113 to 6 41 288</b> Y: <b>46 73 939 to 46 73 770</b>	Latitude: <b>42°12'18" N to 42°12'10" N</b> Longitude: <b>73°17'26" W to 73°17'19" W</b>	
Status of project construction: <b>0</b> %complete (preliminary design 90% complete)		
Proponent: <b>Mass. Dept. of Conservation and Recreation – Office of Dam Safety (MADCRODS)</b>		
Street: <b>180 Beaman Street</b>		
Municipality: <b>West Boylston</b>	State: <b>MA</b>	Zip Code: <b>01583</b>
Name of Contact Person From Whom Copies of this NPC May Be Obtained: <b>Stephen Lecco, CEP</b>		
Firm/Agency: <b>BEC, Inc.</b>	Street: <b>296 North Main Street</b>	
Municipality: <b>East Longmeadow</b>	State: <b>MA</b>	Zip Code: <b>01028</b>
Phone: <b>413-525-3822</b>	Fax: <b>413-525-8348</b>	E-mail: <b>slecco@b-e-c.com</b>

In 25 words or less, what is the project change? The project change involves . . .  
**A change in the construction technique and timing from full pond drawdown in the fall/winter/spring seasons to partial drawdown in the spring/summer**

See full project change description beginning on page 3.

Date of ENF filing or publication in the Environmental Monitor: **12-26-01**

Was an EIR required?  Yes  No; if yes,  
 was a Draft EIR filed?  Yes (Date: )  No  
 was a Final EIR filed?  Yes (Date: )  No  
 was a Single EIR filed?  Yes (Date: )  No

Have other NPCs been filed?  Yes (Date(s): )  No

If this is a NPC solely for lapse of time (see 301 CMR 11.10(2)) proceed directly to  
 May 2001

“ATTACHMENTS & SIGNATURES” on page 4.

**PERMITS / FINANCIAL ASSISTANCE / LAND TRANSFER**

List or describe all new or modified state permits, financial assistance, or land transfers not previously reviewed:

Are you requesting a finding that this project change is insignificant? (see 301 CMR 11.10(6))  
 Yes     No; if yes, attach justification.

Are you requesting that a Scope in a previously issued Certificate be rescinded?  
 Yes     No; if yes, attach the Certificate

Are you requesting a change to a Scope in a previously issued Certificate?  Yes     No; if yes, attach Certificate and describe the change you are requesting: **The project has been redesigned to minimize impacts during the dam reconstruction. As such, the project has significantly reduced the potential for adverse environmental impacts and falls below all mandatory EIR thresholds. Therefore, we are requesting that the previous EIR mandate be rescinded with the submission of the new information, plans, and mitigation under this Notice of Project Change.**

Summary of Project Size & Environmental Impacts	Previously reviewed	Net Change	Currently Proposed
<b>LAND</b>			
Total site acreage	40±	0	40±
Acres of land altered	0	0	0
Acres of impervious area	N/A	N/A	N/A
Square feet of bordering vegetated wetlands alteration	N/A	N/A	N/A
Square feet of other wetland alteration	1,611,720 (37 ac)	-1,338,310 (-30.7 ac)	273,410 (6.3 ac)
Acres of non-water dependent use of tidelands or waterways	N/A	N/A	N/A
<b>STRUCTURES</b>			
Gross square footage	N/A	N/A	N/A
Number of housing units	N/A	N/A	N/A
Maximum height (in feet)	N/A	N/A	N/A
<b>TRANSPORTATION</b>			
Vehicle trips per day	N/A	N/A	N/A
Parking spaces	0	+2	2
<b>WATER/WASTEWATER</b>			
Gallons/day (GPD) of water use	N/A	N/A	N/A

GPD water withdrawal	N/A	N/A	N/A
GPD wastewater generation/ treatment	N/A	N/A	N/A
Length of water/sewer mains (in miles)	N/A	N/A	N/A

Does the project change involve any new or modified:

1. conversion of public parkland or other Article 97 public natural resources to any purpose not in accordance with Article 97?  Yes  No

2. release of any conservation restriction, preservation restriction, agricultural preservation restriction, or watershed preservation restriction?  Yes  No

3. impacts on Estimated Habitat of Rare Species, Vernal Pools, Priority Sites of Rare Species, or Exemplary Natural Communities?  Yes  No

4. impact on any structure, site or district listed in the State Register of Historic Place or the inventory of Historic and Archaeological Assets of the Commonwealth?

Yes  No; if yes, does the project involve any demolition or destruction of any listed or inventoried historic or archaeological resources?  Yes  No **See "No Adverse Effect" letter from MHC in original ENF submission**

5. impact upon an Area of Critical Environmental Concern?  Yes  No  
If you answered 'Yes' to any of these 5 questions, explain below:

**PROJECT CHANGE DESCRIPTION** (attach additional pages as necessary). The project change description should include:

- (a) a brief description of the project as most recently reviewed
- (b) a description of material changes to the project as previously reviewed,
- (c) the significance of the proposed changes, with specific reference to the factors listed 301 CMR 11.10(6), and
- (d) measures that the project is taking to avoid damage to the environment or to minimize and mitigate unavoidable environmental impacts. If the change will involve modification of any previously issued Section 61 Finding, include a proposed modification of the Section 61 Finding (or it will be required in a Supplemental EIR).

**Original Project Description (2001)**

The following is a description of the project as previously proposed and reviewed by EOE and other state agencies in 2001. This description was excerpted from the 12/26/01 EENF.

*"This project includes reconstruction of the existing public boat launch and the masonry dam at Benedict Pond within Beartown State Forest in Great Barrington, Massachusetts. The facility is owned by the Commonwealth of Massachusetts and is managed and operated by the Department of Environmental Management (MADEM). Benedict Pond is a 37± acre waterbody open to the public for recreational use. The pond is formed by a small gravity dam across Stony Brook, which is a tributary to Konkapot Brook which, in turn, outlets into the Housatonic River. The dam was originally constructed by the Civilian Conservation Corps (CCC) in 1933-1934.*

*The dam at Benedict Pond is in a state of disrepair such that action must be taken in the near future to ensure the dam continues to function as designed and as required under 302 CMR 10.00 (Dam Safety Regulations). Much of the original cast-in-place concrete is deteriorated and has served its useful lifespan. A design and permitting effort is underway in order to construct repairs during the period from September, 2002, to June, 2003. to avoid conflict with the extensive recreational use of the lake during the summer months. Rather than entirely replace the dam structure, all loose deteriorated concrete from the dam's masonry wall will be removed and replaced in kind with cast-in-place cement concrete masonry. The repaired dam will have a slightly raised top (6" to 12" higher than existing) in order to*

*provide protection against overtopping of the dam during the 100-year design flood event, in keeping with Dam Safety requirements. This action will have no effect on the normal pool level of the pond. All vegetation and root systems along the dam crest and downstream slope will be removed, and the dam crest will be regraded to remove rutting caused by pedestrian traffic and to match the replaced concrete. The existing pond drain will be replaced with a new drawdown valve and operator. The flashboards will be reconfigured to facilitate maintenance, and the pedestrian bridge across the spillway, which allows access to both sides of the dam for recreation and dam inspection, will be replaced. The bridge is not a component of the original dam as constructed by the CCC.*

*Lastly, a Public Access Board standard concrete plank boat ramp with appropriate grading and drainage improvements will be installed to replace the existing gravelled boat launch. Best Management Practices (BMPs) for stormwater management will be instituted in this area as a part of the boat ramp reconstruction. An accessible ramp is being considered for construction concurrently with the dam repairs and boat ramp installation.*

*The proponent is requesting a waiver from the requirements to prepare an EIR. An Environmental Impact Report (EIR) is required for this project due to the environmental resource impact threshold for alteration of ten or more acres of any other wetlands (301 CMR 11.03 (3)(a)1.b). As part of this work, 37± acres of Land Under Water will be temporarily exposed by the drawdown during the dam repair. The requirement for an EIR will not serve to avoid or minimize damage to the environmental and will result in an undue hardship to the proponent, by increasing the potential for further dam deterioration and even failure.*

*The Project has been conceived and scheduled to avoid or minimize potential environmental impacts, and is likely to cause no Damage to the Environment. The proponent, MADEMOS, has ample infrastructure facilities and services to support the project, which will be performed as a bid contract with engineering supervision throughout the duration of the work. As the Project proceeds through the design and permitting process, it will undergo thorough and adequate environmental review under 310 CMR 10 (Massachusetts Wetlands Protection Act) and 314 CMR 9.00 (Water Quality Certification). Furthermore, the permitting procedures will provide opportunities for public involvement in the project review. Through implementation of the mitigation efforts described in the attachment or as further developed in the permitting process, the Project is unlikely to cause Damage to the Environment. Preparation of an Environmental Impact Report is unlikely to result in benefits to the environmental resources beyond those to be attained if the Waiver is granted.*

*The dam at Benedict Pond is not in imminent danger of collapse, yet the structure is in such poor condition that any avoidable delay to the necessary repairs must be carefully considered. Execution of the dam repairs is a mitigative effort in and of itself, as the project will preserve the pond and the ecological environment that has evolved in proximity to this water resource. The proposed work will ensure that the dam and Benedict Pond remain as future assets to public health, safety, enjoyment, and the environment."*

### **Material Changes to the Original Project & Impact Minimization**

Comments received on the 2001 Expanded Environmental Notification Form (EENF) have been reviewed and evaluated, resulting in material changes to the project that serve to address these comments and minimize environmental impact. Comments on the EENF were received from DEP, MHC, MDFW and the Appalachian Trail Conference. The principal issues raised by the commentators were:

1. the potential impact resulting from a full drawdown of the pond on fisheries;
2. the potential effect of the full drawdown on the proliferation of non-native species; and,