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Draft Environmental Review Committee (ERC) Meeting Minutes

Thursday, March 9, 2017, 4:00 PM

BRPC Office, 1 Fenn Street, Pittsfield, MA 01201

Committee Members Present: Roger Bolton, Malcolm Fick, Kyle Hanlon, Jack Hickey, Sarah Hudson, Mark Smith (Vice Chair).

Others Present: Lauren Gaherty (BRPC), Doug Gove via phone (AECOM), Andy McKeever, (*iBerkshires*), Tom Touchet via phone (AECOM), Dave Turocy (City of Pittsfield).

I. Call to Order

ERC Vice Chair M. Smith, standing in for Chairman Mullen, called the meeting to order at 4:03 p.m. with introductions around the table.

II. Approval of Meeting Minutes from March 2, 2017

K. Hanlon made the motion to approve the minutes of the ERC meeting of March 2, 2017 as written, seconded by S. Hudson; the motion passed, with J. Hickey and M. Fick abstaining because they did not attend the March 2nd meeting.

III. Cleveland Reservoir Diversion Maintenance Project Notice of Project Change (NPC)

AECOM staff joined the meeting via speaker phone. L. Gaherty summarized the project for the Committee. The project involves maintenance to the aqueduct system that feeds water to the Cleveland Reservoir, one of the City of Pittsfield's main drinking water supplies. Currently, almost all the water flow from the Windsor and Cady Brooks is directed via the aqueduct into the reservoir. The project involves dredging and removal of built up sediment in the streams at both the intake structures to the aqueduct, constructing a permanent access road to more easily reach the Cady Brook inlet, and installing new weirs at both inlet sites.

The ERC first saw this project in 2012 through the filing of an ENF. Although the project is largely a wetlands impact project, BRPC largely stayed away from commenting on wetland impacts because the local and state wetland permitting processes cover these issues. Instead our comments at that time focused on our concern that the City was viewing this project purely as a maintenance project, dredging sediment out of the stream beds as if they were man-made water conveyance structures. The City

expected that this type of dredging would be conducted periodically, as the maintenance plan was not being designed to reduce or direct sediment build up in the future. It was our view that this was a maintenance project being conducted in two natural stream channels, and deserved to be viewed as such. We felt it was unfortunate that the City had no plans to try to reduce future stream channel dredging and disturbance in the future. The Secretary's Certificate for the ENF called upon the City to "conduct further analysis to determine if design modifications or operational practices are available to reduce the potential frequency of operational maintenance dredging."

BRPC previous comments also raised the issue that the aqueduct system diverted almost all the stream flow into the reservoir, leaving little or no downstream flow in the natural stream channels. We joined MA Div. Fisheries and Wildlife's (DFW) request that the City investigate ways to increase stream flow downstream. This concern was also raised in the Secretary's Certificate.

L. Gaherty summarized that according to this NPC the wetland impacts have increased, most notably in Land Under Water and in Riverfront, the latter due to the extension of the access road. Also, the wetland mitigation strategy has changed: where previously they were proposing wetland replication, they are now proposing to increase downstream water flow. Rather than diverting almost 100% of the stream flow into the aqueduct system, the City is proposing to divert a minimum of 10% of flow downstream in the natural stream channels to improve habitat. Providing more consistent flow could help to address our previous concerns from 2012. This type of mitigation, improving water flow, is unusual -- typically we see wetland replication to address impacts.

At this time AECOM staff discussed the project in more detail. The proponent has worked hard to meet the concerns of both DEP and DFW. They worked with the Hinsdale Conservation Commission to find wetland mitigation sites within the town, but they were finding it difficult to find the appropriate site and type of wetland replication that would fit the project. The 10% release was proposed and both local and state agency staff agreed to that strategy. Weirs would be installed at the two aqueduct inlets to direct the water downstream. The City does retain the option to suspend the 10% release during drought conditions to ensure adequate reservoir water levels.

As part of this downstream flow strategy, the City will annually open the weirs and allow high spring flows to flush built-up sediment downstream, which is a somewhat natural condition that would be occurring in a natural stream channel. This flushing is intended to reduce future maintenance dredging. L. Gaherty asked if any calculations were done to indicate how much future maintenance dredging will be reduced. AECOM staff responded that they did not have that data.

L. Gaherty asked how the proponent would monitor the diverted flow to measure or guarantee that 10% flow would be directed downstream. Would there be gauges or some other monitoring equipment? AECOM responded that the weirs will be designed to be self-regulating, and there were no plans to monitor downstream flow beyond that. L. Gaherty asked AECOM staff what 10% downstream flow will look like or how deep the water will be in the channels. AECOM responded that they had done modeling to calculate the increase in flow in cubic feet per second (cfs), and that this amount will double from existing conditions, but they did not know how much that would actually equate in water depth in the channel. Table 2 of the NPC provides the cfs calculations.

Asked if the flow would be able to support fish, AECOM was unsure. The natural habitat benefits of the 10% flow would keep stream channel pools fresh, provide these additional ecological benefits: additional water in the channels, provide moisture for wetland/ riparian plants and for amphibians,

sediment and nutrient transport downstream, groundwater recharge, drinking water for terrestrial wildlife and overall connectivity between aquatic habitats. The benefits are listed on p. 16 of the NPC. As R. Bolton noted, the increased flow has benefits for wildlife habitat, but probably not for most fish species. R. Bolton also noted that the increased flow as a wetland mitigation strategy is rather novel, and asked if there were any wetland habitat values that will be lost by not replicating wetlands as has typically been done -- in essence were there any tradeoffs? AECOM did not have specific calculations to offer.

L. Gaherty asked how the 10% diversion was determined. AECOM staff replied that it was based on the amount that could be offered without jeopardizing the City's water supply responsibilities. AECOM noted that the only wetland replication that was being required of the project was small, approximately 1600 square feet for a bordering vegetated wetland adjacent to Cady Brook. The largest wetland resource impact will be in riverfront, for development of the access road. AECOM also reported that the increases in wetland impacts shown in the NPC are largely due to a more conservative recalculation of impacts.

M. Fick asked what the downstream flow would have been had the weirs and 10% flow been in place this past summer, during the drought conditions. AECOM staff said it they could not say; they expect that the brooks were probably running almost dry last summer.

At this point AECOM staff left the meeting and the Committee members discussed what comments if any should be submitted to MEPA. R. Bolton initiated the discussion stating that he would be satisfied if BRPC did not submit comments to MEPA, as the project is being regulated through the local and state wetland processes. M. Fick stated that he was left unsure how the City would guarantee the 10% flow and how much that would improve habitat. R. Bolton asked L. Gaherty what her thoughts were now that we have heard from the proponents. L. Gaherty answered that she felt comfortable that the change from wetland replication to a low flow strategy was being sufficiently vetted through the wetland permitting process, and because the flow begins to address our previous concerns from 2012. She had spoken to DEP staff and in general they were in favor of the strategy.

M. Fick said he was wondering if there was enough follow up to see how well the low flow mitigation was working. L. Gaherty agreed that there did not seem to be strict follow up conditions by DFW, and the conditions from the wetland permitting had not yet been issued. R. Bolton made the motion that staff draft a few paragraphs to state our belief that follow up should be conducted to document the results of this novel mitigation technique. He would like to see strong language, such as we encourage very strongly that DEP and DFW take responsibility for following up on this experiment. K. Hanlon seconded the motion. D. Turocy offered that the City could agree to some type of monitoring effort to track the success of the mitigation, although he was unsure at this time how that would be done. He agreed that collecting information and getting it out so other projects might benefit would be an important outcome. M. Fick agreed that it would be important to look back in a few years and say that the mitigation worked, rather than saying we don't know if it worked or not. The motion passed unanimously. M. Smith was authorized to review draft staff comments before they are sent to MEPA.

IV. Update on recent BRPC Comments to MEPA

L. Gaherty briefly summarized the Secretary's certificate findings on these recent projects on which BRPC commented.

- a. Tel-electric Dam, Pittsfield. Our main concerns were that 1) contaminated sediments would be allowed to flow downstream, and 2) there was no attempt to investigate whether the dam

could be rehabilitated to generate hydropower. BRPC did not request an EIR, but rather asked for supplemental information to answer questions we had about our concerns. The Secretary's Certificate required the filing of an EIR and is requiring additional information about the impacts of downstream transport of contaminated sediment, but it did not require the proponent to investigate hydropower. The issue of repairing dams without investigating their ability to generate power is an issue that BRPC has raised in other dam repair projects, and our comments were directed at the Secretary of EEA more than they were directed at this particular project.

b. Lenox Landfill Solar PV Project. This project was fairly straightforward, with the placing of a solar array on the town's landfill. The site's location within an ACEC was the main reason that we reviewed it. Our main concerns at this project were 1) the site is covered with invasive plant species which could be spread during construction and 2) public access to a town park, which is stocked with pheasants in the fall, would be cut off because of the project. We did not request an EIR. The Secretary's Certificate reflected our concerns.

c. Hinsdale Solar PV Project. A solar array is proposed on what is now an active gravel mine. The site's location within an ACEC was the main reason that we reviewed it. Our comments focused on 1) implementing protective measures to avoid spreading invasive species from the site into the surrounding wetland complex, which harbors rare species, and 2) developing a hazardous spill plan to reduce the threat of groundwater contamination in the site's very permeable soils. We did not request an EIR. These comments were reflected in the Secretary's Certificate.

d. Hoosac Valley Rail Service/Adams Extension. This is a project to extend the Hoosac Scenic Rail southward to the Adams Visitor Center in Adams. Because it involves extension of rail it will require a mandatory EIR. Our main comments were to gain some additional information in the upcoming EIR: 1) more detail on identifying and handling expected contamination at the site and 2) ensure that the new public platform being constructed will improve accessibility to the train. Our comments were reflected in the Secretary's Certificate.

V. Adjournment

K. Hanlon made the motion to adjourn at 5:27 p.m., seconded by S. Hudson; the motion passed unanimously.