



BRPC

Berkshire Regional Planning Commission

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Executive Director

Environmental Review Committee

Meeting Minutes

Tuesday, July 7, 2020, 4:00 p.m.

Via Zoom

Committee Members Present: Roger Bolton (Chair), Malcolm Fick (Vice Chair), Eleanor Tillinghast, Mark Smith, Edward Holub, and Kyle Hanlon

Others Present: Eric Ford (FWE), Nick Wildman (FWE), Karen Lombard (TNC), Jim Lovejoy (Mount Washington), Judy Whitbeck (Mount Washington), Ian Collins (Mount Washington), Thomas Matuszko (BRPC), and Melissa Provencher (BRPC)

I. Call to Order

ERC Chairman Bolton called the meeting to order at 4:02pm and began roll call. The meeting was briefly interrupted due to technical issues within the Zoom Meeting platform. The meeting continued once all participants had been readmitted.

II. Approval of Meeting Minutes from July 16, 2019

M. Fick made a motion to approve the minutes. The motion was seconded by E. Tillinghast. ERC Chairman Bolton conducted a roll call vote.

M. Fick: Aye

E. Tillinghast: Aye

E. Holub: Aye

M. Smith: Aye

K. Hanlon: Abstain

R. Bolton: Abstain

The motion was passed with two abstentions.

III. Becker Pond Dam Removal Expanded ENF, Mount Washington

M. Provencher provided background information on the Becker Pond Dam Removal and staff comments developed on the Expanded Environmental Notification Form (EENF).

The proposed project is a dam removal project and is entirely within property owned and controlled by The Nature Conservancy. The project includes dam removal and passive release of sediment. The primary goals of the proposed project are to 1) eliminate the safety hazard posed by the dam; and 2) restore aquatic and hydrologic connectivity through the site.

The proposed project has meet or exceeded MEPA review thresholds for a Mandatory Environmental Impact Report (EIR) due to impacts to Wetlands, Waterways, and Tidelands and State-Listed Rare Species and meets MEPA review thresholds due to its location within a designated Area of Critical Environmental Concern (ACEC).

State agency actions include financial assistance from the MA Division of Ecological Restoration along with the following required permits:

- MA Wetlands Protection Act Notice of Intent
- WW26 combined Ch91 dredge permit/401 Water Quality Certification
- Army Corps of Engineers 404 Permit

The proponent has requested a waiver from the Mandatory EIR.

M. Provencher explained that, in staff's opinion, the EENF for the Becker Pond Dam Removal does not include the level of extensive and detailed information that is warranted in order to grant a waiver of the mandatory EIR. The EENF describes the proposed project, however there are weaknesses and deficiencies within the alternatives analysis and the assessment of the potential environmental impacts and environmental mitigation measures. As discussed during the MEPA Consultation Session, the MA Department of Environmental Protection (DEP) has expressed concern regarding the proposed approach of passive release of sediment. This alternative is heavily dependent upon weather. A large storm event could cause a significant amount of sediment to be released at one time rather than passively over time. Large storm events are occurring with increasing frequency. An alternative approach that includes dewatering and the creation of a channel for controlled release of sediment should be considered in addition to the passive release of sediment and active sediment management alternatives. In addition, site access has yet to be determined and the EENF is deficient in its assessment of environmental impacts that would result from the creation of an access road. In the absence of additional information with regard to the potential environmental impacts and a more thorough alternatives analysis a Single EIR appears to be warranted, at a minimum.

E. Ford (FWE) explained that supplemental materials had been prepared that addressed these concerns, in particular the concern about alternatives analysis.

BRPC did not receive the supplemental material. The Committee discussed possible approaches including staff review of supplemental material and approval of comments by either the Executive Committee or Full Commission at their meeting on July 16, 2020 or scheduling another Environmental Review Committee Meeting.

E. Tillinghast expressed concern with regard to the sensitive nature of the surrounding ecosystem and the fact that the project is located within an ACEC. Concerns regarding the impacts from the project and the potential need for an EIR were expressed by each member of the ERC. E. Tillinghast suggested that, pending the review of supplemental material, draft language within the comments be strengthened to request that MEPA do not grant a waiver from the mandatory EIR and that a Single EIR be required at a minimum.

The project proponent was provided an opportunity to speak. E. Ford (FWE) and N. Wildman (FWE) explained that an EIR would result in delays and additional cost to the project. They further explained that it is common in their experience for dam removal projects to receive waivers from a full EIR because they are ecological restoration projects. They also explained that the project will undergo extensive permitting which can ensure that the project is properly designed. K. Lombard (TNC) explained that TNC has not received permission from the private property owner to cross their property. The site can be accessed through TNC property but will require a new access road that will be narrowed and converted to a trail following the completion of the project.

The Committee was polled and July 13, 2020 was agreed upon for a subsequent meeting.

IV. Other Business

M. Provencher explained that BRPC has received a hard copy of an ENF. It is not yet known what project the ENF is for, due to working remotely and receipt of the ENF via mail. The ENF has not been noticed in the Environmental Monitor.

V. Adjournment

M. Fick made a motion to adjourn at 4:50pm. The motion was seconded by E. Tillinghast.