

Berkshire Regional Planning Commission Clearinghouse Review Report

Clearinghouse Review Committee

December 12, 2009

SUBJECT: Upper Hathaway Dam Removal Project
EOEEA#: 14493
LOCATION: Dalton
ESTIMATED COST: \$840,000
REVIEW TYPE: EENF
PROPONENT: City of Pittsfield
COMMENTS DUE: December 4, 2009

PROJECT DESCRIPTION:

The City of Pittsfield abandoned the use of the Hathaway Reservoir as a drinking water source in the late 1950s. The dam, known as the Upper Hathaway Dam, is severely deteriorated, posing a potential hazard to land below it. The City is preparing to remove the Lower Hathaway dam located approximately 250 feet downstream of the reservoir as part of a wetland mitigation plan, and has decided to expand the project to also include the demolition of the upper dam. The dam that will be removed is 157 feet in length and 22 feet high. The work to remove both dams will occur as one construction project. Removal of both dams will return the brook to a more natural hydrologic regime and restore the aquatic connectivity that allow trout and other aquatic species to travel from the Housatonic River to Sackett Brook and now to the upper reaches of Hathaway Brook. It is expected that construction will occur in late summer/early autumn during low flow conditions. Mass. Fisheries and Wildlife, Riverways and the U.S. Fish and Wildlife all generally support the careful removal of the two dams.

Under MEPA, any decrease in an impoundment capacity requires the filing of a mandatory ENF and EIR. The proponent has filed an Expanded ENF for the project and is asking for a waiver from the EIR requirement. In addition to MEPA, the project will require the filing of a Notice of Intent to the Dalton Conservation Commission, a Water Quality Certificate from the DEP and from the ACOE, a stormwater management permit from the EPA and possibly a beneficial use of solid waste permit for reapplying lake sediments.

Comments under the MEPA process were originally due on November 6, 2009, but the deadline was extended to December 4th to allow the proponent time to provide supplemental information to MEPA and the public regarding several aspects of the project. The supplemental information was provided as promised to the BRPC to meet a November 23rd deadline, and it included more detailed information on a newly proposed access road to the site, the dewatering process, plans to construct a vernal pool at the site, and a post-construction monitoring program.

CONSIDERATIONS AND POTENTIAL ISSUES:

Land

The project will result in .65 acres of upland alteration. In the area upstream of the dam, the project consists of dredging material from the impoundment, restoration of a stream channel within the impoundment area, and building up the bank around the new channel.

Berkshire Regional Planning Commission Clearinghouse Review Report

Wetland Resources

Overall, the project will result in a net gain of stream habitat with a loss of pond habitat. The cumulative wetland impacts of the two dam removals include the following:

Site	Resource Area	Temporary (sf unless indicated)	Permanent	Created
Upper Dam	Land Under Water	4,200	19,500	200
	Bank*	0	840	440
	100-ft Buffer	12,000	0	0
	200-ft Riverfront	13,120	0	0
Lower Dam	Land Under Water	2650	750	0
	Bank*	190	160	40
	100-ft Buffer	1,500	0	0
	200-ft Riverfront	1,500	0	0
Access Rd	100-ft Buffer	11,220	0	0
	200-ft Riverfront	20,110	0	0

*Bank measured in linear ft

An access road to accommodate the heavy equipment needed for dam demolition and stream reconstruction will wind its way down from a site on Washington Mountain Road. This will involve a substantial amount of work in riverfront and buffer area, as shown in the table above. An earlier route with less wetland and slope impacts was charted, but the proponent was not able to secure an easement from the landowner to use that route, so the road was relocated to the current configuration.

The slope of the hill above the site is crisscrossed by several severely eroded channels. These channels are presumably carrying stormwater runoff from Washington Mountain Road and are discharging it into Hathaway Brook below. These channels are unrelated to the proposed project, but the proponent indicated at the site visit that these eroded channels could be improved when the access road is developed.

Rare Species

There are no known rare species in the site area. However, the impoundment behind the dam could serve as amphibian breeding habitat. Open water is relatively rare in some heavily forested areas, and losing the impoundment could constitute a loss of diversity in this area. An amphibian survey has not been conducted on the site, but the proponent's new set of planting plans (C-004A) and Planting Schedule (C-004B) indicate that a vernal pool will be constructed in the area of the former stream channel.

BRPC applauds the proponent's willingness to construct a vernal pool at the site. However, we ask that the proponent review all of its site plans and other documents to ensure that vernal pool development will be a success. Please refer to a bullet list of recommendations at the end of this review.

Berkshire Regional Planning Commission Clearinghouse Review Report

Alternatives Analysis

The EENF discusses two alternatives besides the chosen strategy: no action and repair of the dam. As the proponent is requesting a waiver from a mandatory EIR, the EENF should have provided a more in depth alternatives analysis, such as cost estimates for the work.

Consistency with Local & Regional Plans

The overall goal of restoring the natural hydrologic and aquatic connectivity of waterways in the region is consistent with the *Regional Plan for the Berkshires* if, after careful consideration, the ecological benefits outweigh the costs. This project appears to fit this goal. The repair or demolition of potentially unsafe dams is consistent with the *Berkshire Regional Natural Hazard Mitigation Plan*.

COMMENTS AND RECOMMENDATIONS:

The BRPC supports the City of Pittsfield's efforts to remove two relatively small and unused dams to restore the hydrologic and ecologic connectivity of streams and rivers within the Housatonic River Watershed. Although the EENF does lack detail on some areas, we feel that outstanding issues can be resolved through the local and state wetland permitting process, and thus we support the City's request for an EIR waiver. However, the BRPC respectfully submits these comments:

- BRPC strongly supports the construction of a vernal pool at the site. Creation of successful vernal pool habitat is challenging, and we respectfully recommend the following:
 - Vernal pools in the Berkshires are typically depressions in the forest, with little or no vegetation growing in the depression. We strongly recommend consulting with an independent expert in vernal pool habitat before planting the pool area with shrubs and trees that are listed in the Planting Schedule (C-004B). We suggest consulting Tom Tynning or Tim Flanagan, herpetologists at Berkshire Community College, or staff at NHESP.
 - Please review all site plans to make sure that the vernal pool site is shown on all plans and documents. For example, the Grading Plan and Profile (C-003B) does not show a depression that would correlate to the Restoration Planting Area #6-VP on the Planting Plan (C-004A).
 - Please update the Suggested Sequence of Work in the *Dewatering and Sediment Removal Plan* to include steps to excavate and create the vernal pool. This should include the removal of step 5.d., which states that excavated material should be stockpiled in the "former stream bed" area. No concrete or structural materials should be placed in the former stream bed area, which is to be the vernal pool site. Dredged sediment from the impoundment may be acceptable, and may even serve in helping to repopulate the pool with vernal pool organisms. If reasonably possible, efforts to ensure that the sediment does not include viable fish eggs or other prey organisms should be taken.
 - The vernal pool should be hydrologically separated from the stream channel to prevent fish and other predators from entering the pool.
 - Line the vernal pool site with clays or other materials to ensure that the pool will retain water for prolonged periods to increase larval survival rates. Leaf litter and forest duff from the forest floor can probably be placed on the bottom of the pool to provide basic detritus needs of the vernal pool community.

Berkshire Regional Planning Commission Clearinghouse Review Report

- Update the *Upper and Lower Hathaway Dam Removal – Post dam Removal Monitoring Plan* to include a monitoring program for amphibians. This could involve adding a spring component to the plan to document organisms, especially amphibians, in the new vernal pool. Monitoring protocols should be developed in consultation with vernal pool experts or NHESP. If rare species are found, please document the species and report the findings to the NHESP. A local conservation organization or a school with environmental curricula could be enlisted to help monitor the pool.
- The number of plants proposed for replanting of disturbed areas is extensive and commendable. All vegetation to be used for restoration should be inspected and shown to be free of exotic pests, including woolly adelgid, Asian longhorn beetle and emerald ash wood borer.
- As stated in the *Upper and Lower Hathaway Dam Removal – Post dam Removal Monitoring Plan*, Success Standards for the project are met when invasive “plants at the mitigation site(s) are being controlled.” We believe the standards should be upgraded, being met only when invasive plants are not present at all at the mitigation sites.
- The DEP has published two extremely useful guidance documents on the subjects of wetland replication and wildlife habitat protection – these are the *Massachusetts Inland Wetland Replication Guidelines* (2002) and the *Massachusetts Wildlife habitat Protection Guidance for Inland Wetlands* (2006), respectively. You may wish to refer to these documents as the project proceeds.
- BRPC supports the proponent’s offer to mitigate, to some degree, the eroded channels being created by stormwater runoff from Washington Mountain Road. A barrier, **such as a guardrail**, should be installed at the entrance to the access road from Washington Mountain Road to prevent unauthorized **ORV** use which may negatively impact this stream and sensitive environment after the construction is completed.
- All servicing and refueling of construction vehicles should be conducted outside of resource areas and all construction vehicles should be washed prior to entering the site to prevent the introduction of invasive species. **We recommend that as much refueling and servicing be conducted at the landing site on Washington Mountain Road as possible.**

The Berkshire Regional Planning Commission approved these comments at their meeting on December 10, 2009.