Littleton Conservation Trust
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Massachusetts Environmental Policy Act (MEPA Office
Executive Office of Energy and Environmental Affairs
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RE: EEA No. 15446 – (1) Comments to MEPA and EEA Secretary Matthew Beaton, regarding Concord's proposed, Acton-based, greatly expanded Nagog Pond Water Treatment Plant described in part in ENF and Expanded ENF and (2) request to deny proponent's request for waiver for Environmental Impact Report (EIR)

Why waiver to EIR should be denied:
Concord's request for a rushed environmental assessment and waiver for an otherwise mandatory EIR study is proposed so funding can be obtained through the federally enabled SERC program for its ground based associated PV Farm. This financial gain is possible because Acton's power supplier is an investor owned provider. It appears that Concord could not obtain such financial gain if the equivalent PV Farm were sited on Concord land, which is not supplied by investor owned power providers. The proposed ground-based PV Farm causes various problems including impacts to Article 97 land, unnecessary destruction of forested lands, and disturbance by sight, glare, and proximity to pre-existing residential neighborhood. An unobtrusive roof-mounted PV array, provided it does not cause disruption to residents and others may be a viable alternative. Otherwise the proposed PV Farm should be appropriately sited in an unobtrusive area of Concord for everyone's benefit. That should remove the need for any proposed waiver of EIR

Some additional areas that need to be addressed are described below:
Concord's Public Works Water and Sewer Division's proposed Nagog Pond Filitration Facility (in Acton) with upgrade and expanded development, including greatly expanded facility foot print, enhanced pond water withdrawals, creation of an inappropriately sited, associated ground-based Photovoltatic (PV) Farm, among other changes contribute to expanded impacts and concerns that need to be addressed.

The need for installing water filtration on the current water stream drawn from Nagog Pond for Concord public consumption as potable water is understood and overdue. That is not the issue. There are many other concerns proposed by this project and its expanded magnitude in many dimensions.

Changes brought about by implementing Nagog Pond Water Filitration:
Concord has acquired land surrounding Nagog Pond to protect the natural resources therein, in part to enhance water quality for the purpose of supplying drinking water to Concord. Additionally Concord has denied public access to these pond side lands in both Littleton and Acton for the purpose of protecting water quality. Once water filtration is implemented on the water stream from Nagog Pond, there is no need to prohibit public access on these protective surrounding lands (other than in the very immediate vicinity of the treatment facility itself).

With the introduction of the new Water Filitration Plant and the protection provided with its implementation, public access for all should now be granted to these surrounding lands. The need is evident by the current well-worn trail systems surrounding the pond and the desire of the Acton and Littleton communities to provide connectivity, including between Littleton's historic Sarah Doublet Forest and Nature Reserve (former Nashoba and Newtown Praying Indian Plantation) and Littleton's Morrison Farm/ Nagog Hill Orchard, with Acton trails, including the Trail Through Time, thereby connecting public areas including those with significant Native American history and artifact. The desire

to protect these lands and to provide public access to these lands is expressed in both the Littleton and Acton's Open Space and Recreation Plan Reports.

All these surrounding lands in the Nagog Pond watershed need to be permanently protected, as a result of the new treatment process reducing the need for extensive pond side land ownership and mitigation needs to be provided for an expanded water withdrawal operation and overall expanded development, with increased foot print, infrastructure, and accessory development, such as the extensive Photovoltaic (PV) Farm. There are several ways this could be done.

- Concord could gift hosting communities (Littleton and Acton) with these pond side lands, along with protective covenants allowing public access and extinguishing development rights. Lands would be gifted in fee to the corresponding community in which they reside.

- Alternatively, Concord could gift Conservation Restrictions (easements) to these same communities with the above stated public access and extinguishment of development rights. Grantees could be the corresponding community's municipal Conservation Commissions and/or private non-profit conservation land trusts.

- In no case should these lands acquired (often with the use of local and state public funding and consequently most likely protected with various statutes such as the Article 97 Amendment to the Massachusetts Constitution) to protect the natural resources of Nagog Pond , including that of providing a drinking water source for Concord, be discarded and developed directly or indirectly.

Need for more comprehensive archaeological study in vicinity of Nagog Pond and perhaps land areas now underwater due to Concord's construction of water dam and consequent flooding. Archaeological sites and Native American presence exist throughout as noted by local historians and archaeologists :
The Nashoba Praying Indian Village selected its location between two major fresh water bodies – Fort Pond and Nagog Pond, both in Acton and Littleton. (In Algonquin, "Nashoba" translates to "between the waters"). Many Native American artifacts and indications of their presence can be found in this immediate area and surrounding environs. In particular, close to the current water treatment facility is a turtle effigy consisting of an aggregate of rocks with additional rock appendages serving as limbs and head (identified by Dan Boudillian). These and other artifacts need to be permanently protected. (See research and works of author and local historians Dan Boudillion, Peter Waksman, John Hanson Mitchell, Dr. Tim Fohl, Linda McElroy, Professor Curt Hoffman and his doctoral students, and those discussed at Acton's archaeology programs such as those hosted by its organization, Friends of Pine Hawk.) On the other side of Nagog Hill Road on LCT Sarah Doublet Forest and Nature Reserve land there are additional archaeological sites/ stone effigies and other purported Native American sites extending into nearby Fort Pond. It is likely these also extend on Nagog Pond lands on shore borderlands and beneath the water surface when more land was exposed before flooding due to the construction of the current Concord dam for its drawing of water for its town's consumption.

Ecological concerns caused by massive expansion of Concord Water Plant Construction, expanded water withdrawal, and extensive disruption of water bodies (i.e., including altering more than 10 acres of wetland/pond). The impact of successive water withdrawal upon Nagog Pond and its associated banks and ecosystem should be understood before expansion of water withdrawal and usage is allowed. Please note that Nagog Pond is a Great Pond and contains historical value in addition to its substantial ecological significance. The proposed Concord Water Filitration project is **greatly expanded** beyond just providing a new level of physical filtration on the current water stream which supplies limited drinking water to residents of Concord. This proposed expansion of this currently nonconforming infrastructure and operation needs to be fully understood and justified. It appears that

this greatly expanded operation is more in line with developing a greatly expanded business operation to generate more business and enhance growth rather than just protect the watershed and water resources in its host communities and just provide public health benefits to its current drinking water consumers. In particular the following should be addressed:

- Greatly expanded footprint of plant and access;
- Greater water withdrawals from Nagog Pond; and
- Newly proposed large PV Farm and accessory infrastructure, with both its impact on the ground and scenic impact from the Nagog Pond shorelines and environs.

Proponent's request for waiver for EIR needs to be denied.
The proposed project in its current form is over scaled for immediate need and has impacts on a variety of state concerns (Article 97 lands, many acquired with public funds for open space protection; need for expanded archaeological study; 10 acre plus alteration of wetland and water bodies; federal and state funding including seeking SERC funding for inappropriately sited and ecological damaging PV Farm; etc.).

A full EIR for this project will benefit the three communities involved – Acton, Littleton, and Concord and help develop a more comprehensive and integrated watershed and land use plan which involves permissible public access, connectivity to adjacent conservation lands which contain priority and estimated habitat lands for rare species, and contributing tributaries to Nagog Pond. Such a plan should make explicit and transparent what is permissible by pondside agricultural concerns (e.g. Littleton Nagog Hill Orchard's APR and Self-Help funded lands) and areas now overrun with nonnative invasive growth due to what appears to be undocumented prohibitions on Littleton's public use of Self-Help funded lands intended for general public open space use. This large expanse is one of the largest undeveloped areas in the region and significant for wildlife and public use.

If you have any questions or desire clarification, please do not hesitate to contact me. Thank you for the opportunity to comment on issues of regional and locall concern.

Respectfully yours,

Donald MacIver

Donald MacIver, president and trustee
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(Owners and stewards of Sarah Doublet Forest and Nature Reserve
along Nagog Hill Rd and Fort Pond Road, Littleton)

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