

From: Papadopoulos, Michael (MHD)
Sent: Tuesday, October 17, 2006 9:33 AM
To: 'brian.dunn@earthtech.com'
Subject: ENVIRONMENTAL REVIEW COMMENTS (Maynard - Assabet River Trail 604531)

Attachments: 25% Review Submission Completeness Checklist.doc
Please note the comments for the early env coordination. Thanks.

From: Macdonald, Lori (MHD)
Sent: Monday, October 16, 2006 5:18 PM
To: Papadopoulos, Michael (MHD)
Subject: Maynard - Assabet River Trail 604531

Mike,

The Environmental Section has the following comments on the 25% design package submitted for the above-mentioned project.

EARLY ENVIRONMENTAL COORDINATION

The Designer must provide evidence that early coordination with local officials and environmental agencies has been initiated, as specified in the **Massachusetts Highway Department Project Development and Design Guidebook** issued January 2006. This is a standard procedure by which to identify initial project design parameters, initiate early coordination with the community to identify issues specific to the project, and incorporate essential information into 25% Design. The attached **Early Environmental Coordination 25% Design Submission Completeness Checklist** specifies what additional information needs to be submitted to this office in order for early coordination to be considered complete. **A 25% Public Design Hearing should not be held until evidence of early environmental coordination has been received.** In the future, the Designer must complete the Early Coordination Checklist and submit it with backup information, comment letters received from relative local, federal and state boards/agencies/commissions and explanations of how each item in the checklist has been addressed with the 25% design package. A copy of the **Guidebook** and the **Early Coordination Checklist** are available from MassHighway's Website at <http://www.mhd.state.ma.us/>.

Response: Early Environmental Coordination 25% Design Submission Completeness Checklist included in the submittal.

In accordance with Section 106 of the National Historic Preservation Act, the Designer must coordinate with the local historic commission, local historic district commission, and/or associated tribal historical preservation officer to obtain comments, concerns and support in writing. Copies of all correspondence must be submitted to MassHighway. The Designer **must** consult the example letters available on the MassHighway website at http://www.mhd.state.ma.us/_under Environmental – Resources which outline the appropriate copying procedures.

Response: Part of ENF included with this submittal.

FISHERY RESOURCES/FEDERAL AND STATE RARE AND ENDANGERED SPECIES:

The proposed work is are not located within mapped **Priority Habitat of Rare Species and/or Estimated Habitats of Rare Wildlife and Certified Vernal Pools**. The Designer need not coordinate with the Massachusetts Natural Heritage and Endangered Species Program.

Response: Agree.

Where a project will impact perennial and/or intermittent streams, an early coordination letter with a scope and locus must be submitted the MA Division of Fish and Wildlife. If work will occur within a tidal waterway, for information/construction conditions associated with fisheries resources.

Response: We feel there are no impacts to streams. Piers remain in water for prefabricated bridge.

An early coordination letter along with a scope and locus must be submitted to the US Fish and Wildlife Services for information on any federally listed rare or endangered species located within the project limits.

Response: There is no mapped habitat within the project area. NHESP will receive a copy of the ENF as part of the standard distribution list.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) CONSTRUCTION GENERAL PERMIT:

If the proposed project will involve over 1 acre of earth disturbance, the contractor will be required to secure a NPDES Stormwater Construction General Permit from the Environmental Protection Agency (EPA). No new direct discharges of untreated storm water are allowed under the NPDES program. The Designer must include Item 756 (NPDES Special Provision) in the design package accounting for the preparation of all required applications, including the preparation of the EPA Notice of Intent for Storm Water Discharges Associated with Construction Activities, the Stormwater Pollution Prevention Plan (SWPPP) **and** inspection of erosion controls in accordance with the prepared SWPPP and Construction General Permit. BRP WM 08B - NPDES Storm Water General Permit Notice of Intent for Discharges to Outstanding Resource Waters (ORWs) from Construction Sites or Industrial Sites and a BRP WM 09 - Approval of NPDES Stormwater Pollution Prevention Plans for Construction or Industrial General Permits (Discharging to Outstanding Resource Waters (ORWs) only) will be required in addition to the preparation of the standard EPA Notice of Intent and Storm Water Pollution Prevention Plan (SWPPP) if direct impacts to Class A waters will occur.

Response: Will be written into specifications.

PROJECT PERMITTING REQUIREMENTS

Based on the 25% design submission it appears that the following permits and clearances are required prior to advertising the project for construction. Please note that as the project proceeds to 75% and 100% design, the Designer should re-evaluate the project to determine if additional impacts warrant further environmental review and/or permitting.

NATIONAL ENVIRONMENTAL POLICY ACT/CATEGORICAL EXCLUSION:

If Federal Funds are allocated towards the construction of this project. The Designer must evaluate the project in accordance with the National Environmental Policy Act and prepare and submit, as necessary a Categorical Exclusion Checklist in accordance with the Federal Highway Administration Regulations titled *Environmental Impact and Related Procedures*, in 23 CFR § 771 and MassHighway's current policy regarding the preparation of Categorical Exclusions (CE) for Federal Aid Actions. The Designer is responsible for preparing and submitting a Categorical Exclusion Checklist with associated backup information (1 paper copy and 1 electronic copy which can be edited) to MassHighway for review and processing. A copy of MassHighway's Programmatic Agreement for Approval of Categorical Exclusions (CE) for Federal Aid Actions dated May 2005, directions on the preparation of CE Checklists, a blank CE Checklist form and an example of a completed checklist are available on the MassHighway Website (<http://www.mhd.state.ma.us/>) under Environmental – Resources.

Response: Included in this submittal.

MASSACHUSETTS WETLANDS PROTECTION ACT FILINGS (REQUESTS FOR DETERMINATION OF APPLICABILITY/NOTICE OF INTENT):

There are activities within the buffer zone of state regulated wetland resource areas warranting the filing of a RDA or possibly a NOI with the local Conservation Commission. The Designer should verify the need for a RDA or NOI, file the appropriate application with the local Conservation Commission and copy MassHighway on all formal submittals and the final determination. Upon filing the RDA or NOI, it can take approximately 1 to 3 months to complete the process and obtain a Determination of

Applicability or Order of Conditions from the Commission.

Response: This will be done after 75% Design.

Copies of all documents associated with the review including all early coordination letters must be submitted to the MassHighway Environmental Section. Please advise us if there are any controversial issues involving this project, or if there are any concerns that require our special attention. If the project design or limits of work change, further review may be required. If appropriate, please forward to us the latest edition of any plans or drawings showing the revised project design and/or limits of work. The Environmental Section assigns this submission a rating of 4 out of 10 with 5.0 being average. If you have any questions or comments, please contact me directly.



25% Review
Submission Complete.

Lori A. Macdonald

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