

SCHENOB BROOK DRAINAGE BASIN

AREA OF CRITICAL ENVIRONMENTAL CONCERN

located in portions of the

TOWNS OF MOUNT WASHINGTON AND SHEFFIELD

WITH SUPPORTING FINDINGS

Following an extensive formal review required by the regulations of the Executive Office of Environmental Affairs (301 CMR 12.00) including nomination review, on-site visits, research, public information meetings, a public hearing and written comment period, and evaluation of all public comment and assembled data, I, the Secretary of Environmental Affairs, hereby designate the Schenob Brook Drainage Basin and associated wetlands, located in portions of the Towns of Mount Washington and Sheffield, as an Area of Critical Environmental Concern (ACEC). I take this action pursuant to the authority granted me under Massachusetts General Law Chapter 21A, Section 2(7).

I also hereby find that the wetland resource areas included in the Schenob Brook ACEC are significant to the protection of groundwater supply and public or private water supplies, the prevention of pollution, flood control, the prevention of storm damage, the protection of fisheries, and the protection of wildlife habitat; which are public interests defined in the Wetlands Protection Act and regulations promulgated thereunder.

In addition, I hereby find the waters included in the Schenob Brook ACEC to be significant and high quality, and recommend that they be reviewed for inclusion as outstanding resource waters according to the Massachusetts Surface Water Quality Standards 314 CMR 4.00 when these regulations are next revised.

I. Boundary of the Schenob Brook ACEC

Upon review of the boundaries as recommended in the nomination letter, subsequent recommendations made in testimony received and EOEA agency review, the final boundaries are, with minor deviations, those as proposed in the nomination letter. These boundaries are shown on the attached map taken from the following United States Geologic Survey (USGS) Topographic Maps, Scale 1:25,000: Ashley Falls, MA—CT (1958); Bashbish Falls, MA—CT—NY (1958); Egremont, MA (1973); Great Barrington, MA (1973). An official map is on file at the Massachusetts Department of Environmental Management, Division of Resource Conservation.

The USGS map is supplemented by the attached Town of Sheffield Assessors Map Number 28 showing the ACEC boundary as it runs easterly along the Mount Everett Reservation property line (lot 4, block 1) and the property lines between lots 7 and 2, block 1, and 7E and 6A, block 1.

The boundary generally follows streets and roads and other rights-of-way on the valley floor, and the drainage basin boundary and Appalachian Trail in the mountains and hills. Specifically, the boundary is defined as follows:

Beginning at the intersection of Barnum Street and the Massachusetts-Connecticut State Line in Sheffield, the ACEC boundary proceeds westerly along the State Line to Mount Washington, to the ridge line (drainage basin boundary) between Round Mountain in Connecticut and Mt. Frissel in Massachusetts; north along the drainage basin boundary to Mt. Ashley; north and east along the

drainage basin boundary across East Street, north of Plaintain Pond, to Mt. Race and the Appalachian Trail; north along the Appalachian Trail to Mt. Everett - where the trail splits, the boundary follows the trail to the west of the summit and includes the Lookout Tower; north of Mt. Everett along the Appalachian Trail, following the left trail north and west toward Guilder Pond, then north toward Mt. Undine to the Mount Washington-Egremont Town Line; north and east along the Town Line to the Sheffield Town Line; north and east and south in Sheffield along the Mt. Everett Reservation property line to the Berkshire School property line between lots 7 and 2, block 1; east and then south along this property line to the property line between lots 7E and 6A, block 1; east along this property line to Under Mountain Road (Route 41); north along Under Mountain Road to Curtiss Road; east along Curtiss Road to Bow Wow Road; south and east along Bow Wow Road to Miller Avenue; south and east along Miller Avenue to the Penn Central Railroad right-of-way; south along the Penn Central right-of-way to Burtch Street (Berkshire School Road); west along Burtch Street to Salisbury Road; southwest along Salisbury Road to Root Lane; east along Root Lane to the Penn Central Railroad right-of-way; southeast along the Penn Central right-of-way to Andrus Road (Rannapo Road); south along Andrus Road to Bull Hill Road; northwest along Bull Hill Road to Silver Street; southwest along Silver Street to Legeyt Road; west along Legeyt Road to Barnum Street; southwest along Barnum Street to the beginning point at the Massachusetts-Connecticut State Line.

Unless otherwise specified, the boundary described above extends to and includes the entire width of the rights-of-way of public and private streets, roads and highways, and other rights—of-way such as railroad rights-of-way. If changes or additions to the Appalachian Trail make boundary identification confusing, the drainage basin boundary from Mt. Race north to the property line of Mt. Everett Reservation boundary and this property line north to the Egremont Town Line will prevail as the ACEC boundary.

The final boundary differs from the boundary suggested in the nomination letter in that the drainage basin boundary was used for a segment of the final boundary in Mount Washington rather than a property line west and east of East Street that was suggested in the nomination.

The Department of Environmental Management, in the course of administering the review of the nomination, gathered several categories of environmental data regarding the Schenob Brook resource area. This information has been mapped using the Geographic Information System (GIS) of the Executive Office of Environmental Affairs. This mapped information, which was used to assist in the evaluation of the nomination and the determination of final boundaries, is part of the public record of the Schenob Brook ACEC designation.

The area of the Schenob Brook ACEC, according to the GIS data, is approximately 13,735 acres. Approximately 3,375 acres are located in Mount Washington, and approximately 10,360 acres located in Sheffield.

II. Designation of the Resources of the Schenob Brook ACEC

In my letter of acceptance of the ACEC nomination, I stated that our evaluation indicated that the area met the minimum regulatory threshold for consideration. The nomination cited the presence of nine of the resource categories listed in the ACEC regulations at 301 CMR 12.06 — all of the categories potentially applicable to an inland area. These categories include fishery habitat, inland wetlands, inland surface waters, water supply areas, natural hazard areas, agricultural areas, historic/archaeological resources, and special use areas. The public review process corroborated the existence of the resources in these categories and provided additional information to support the designation of the Schenob Brook ACEC. As mentioned above, the EOEA Geographic Information System was used to map and evaluate the complex of environmental features described in this designation.

The nomination letter (booklet) submitted for review and circulation is an exceptionally well—

prepared document that describes the extraordinary resources and features of the Schenob Brook complex and the reasons for ACEC designation. This nomination letter should be considered an appendix to this designation. The following paragraphs contain a summary of the resource information included in the nomination letter and additional information gathered during the review of the nomination.

The heart of the Schenob Brook ACEC is the surface water and wetland system that is one of the most ecologically significant in Massachusetts. According to The Nature Conservancy, this system contains the largest continuous area of calcareous seepage swamp in Southern New England. According to the Natural Heritage & Endangered Species Program of the Department of Fisheries, Wildlife and Environmental Law Enforcement, the calcareous fens located here are the finest examples in Southern New England. Over forty rare and endangered species have been identified by the Natural Heritage Program as occurring within the boundaries of the ACEC. These species occur in both wetland and upland areas. The significance of the area is underscored by the scientific studies undertaken by organizations such as the Nature Conservancy and the American Museum of Natural History.

The wetlands, floodplains and surface waters of the Schenob Brook ACEC are located within the Housatonic River Basin and include Sages Brook, Bear Rock Stream, Race Brook, Dry Brook, Willard Brook, Schenob Brook, New Guinea Swamp, Willard Brook Swamp, Barnum Street Swamp, Plantain Pond, Becker Pond, Combes Pond, Faun Lake, Spurr Lake and Trout Pond. Schenob Brook flows north from Connecticut into Massachusetts and then into Hubbard Brook and the Housatonic River, just outside of the boundaries of the ACEC. Although Willard Brook does not flow into Schenob Brook, important rare and endangered species habitats that occur in this sub-basin, and wetland and floodplains that overlap with the Schenob system, support the inclusion of portions of the Willard Brook sub-basin within the boundaries of the ACEC. The total area of wetlands located in the ACEC is estimated at approximately 2,230 acres. Extensive floodplains are located along the low-lying streams, brooks and wetlands.

This area of the southern Berkshires is also especially significant for its scenic beauty. Several brooks cascade down the deep ravines and rocky gulches of the mountain slopes to the valley below. The Appalachian Trail traverses the western portion of the ACEC and provides panoramic views of some of the most scenic landscapes in Massachusetts. In addition to the streams and wetlands, the rolling countryside includes prime agricultural soils and working farms. Portions of Mount Everett State Reservation and Mount Washington State Forest are located within the ACEC. Extensive areas are also included in the Department of Environmental Management's Massachusetts Scenic Landscape Inventory. The natural beauty and scientific values of the area have attracted naturalists and writers since the 19th century.

In addition to the rare and endangered species habitats located in the Schenob Brook drainage basin, other fishery and wildlife habitat values are central to the quality of the ACEC. According to the nomination letter, over twenty different fish species have been documented to occur here. The nomination letter also includes an extensive description and listing of other wildlife. Listings of rare and endangered species are included in the letter of nomination and in the Natural Heritage & Endangered Species letter of support for critical area designation.

Extensive prime agricultural soils are located within the ACEC. According to the nomination, the ACEC includes many small farms that produce hay, corn and livestock, in addition to commercial tree farms, orchards and woodlands. Archaeological resources date back 10,000 years. Prior to colonial settlement, the area was inhabited by the Mahicans. Vintage colonial architecture is located throughout the area.

The GIS (Geographic Information System) map prepared by the Department of Environmental Management to aid in the review of the nomination shows the location of several categories of environmental resources important to the ACEC. These features include the estimated habitat

areas of rare wetlands wildlife, habitats for rare plants, natural communities and upland wildlife, prime agricultural soils, wetlands, floodways and 100 and 500—year floodplains, major drainage basin and sub—basin boundaries, surface waters and the half-mile radius around public wells. Publicly and privately—owned open space is also shown. This resource information supports the boundaries of the ACEC and begins to illustrate the vital relationships between the resources of the ACEC.

III. Procedures Leading to ACEC Designation

On February 28, 1990, a letter of nomination, signed by ten citizens of the Commonwealth pursuant to 301 CMR 12.05(1) (a), was received by my Office. The nomination was accepted formally by letter on March 14, 1990. Copies of the acceptance letter and the nomination were sent to the boards of selectmen, planning boards and conservations commissions of the Towns of Mount Washington and Sheffield, the two state legislators representing the area, boards and commissions of neighboring towns, regional and state agencies, environmental organizations and other interested parties. Public information meetings were held on April 12 in Mount Washington, April 19 in Sheffield and June 7 in Sheffield. Correspondence notifying the above parties of the June 7 public meeting and the June 13 public hearing was sent on May 9.

Notice of the acceptance of the nomination, the June 7 public information meeting, the June 13 public hearing and the ten-day written comment period was published in the Environmental Monitor on May 9, and the Berkshire Eagle on May 10. Over the course of the public review process numerous information articles appeared in the local and regional newspapers and radio stations. A public hearing was held in Sheffield on June 13, 1990. At the hearing oral testimony was received from 50 persons. A ten-day period for the submission of additional written comment followed the public hearing.

Written and oral testimony was received from numerous individuals and organizations and is on file at the offices of the Department of Environmental Management. Over 250 public comments, plus two petitions with over 1,000 signatures, were received in the course of the public participation and review process.

IV. Discussion of the Criteria for Designation

In the review process leading to the designation of a nominated area, the Secretary must consider the factors specified in Section 12.09 of the ACEC regulations regarding the designation of Areas of Critical Environmental Concern. As stated in the regulations, the factors need not be weighed equally, nor must all of these factors be present for an area to be designated. The strong presence of even a single factor may be sufficient for designation.

A thorough discussion of the various criteria supporting designation is presented in the Schenob Brook nomination. These criteria were also addressed in the extensive written and oral testimony presented in the public review process. The nomination and public comments provide compelling justification for designation under each factor listed in the regulations. Based on the information presented in the letter of nomination, at the public hearing, in written comment, and in agency research and review, I find the following factors relevant to the designated ACEC:

(1) Threat to Public Health Through Inappropriate Use

Private wells throughout the ACEC are dependent upon clean and pure water. Development in this area must safeguard this quality.

To the extent that our public health is dependent upon the continued presence of healthy natural

communities, including rare and endangered species — and it is — a clear threat to public health is posed by inappropriate development. The health of humankind is inextricably linked to the health and viability of natural systems and the species living therein. Our efforts must focus on understanding this web of life and finding ways not only to preserve but also enhance it.

(2) Quality of the Natural Characteristics and the Uniqueness of the Area

These criteria alone support critical area designation. As mentioned above, the mix of calcareous fens and swamps and the concentrated number of rare and endangered species are without equal in Massachusetts or Southern New England. The geologic features, the prime agricultural soils and rolling farmlands, and the extraordinary beauty of the area add to the quality and uniqueness of the area.

Several ongoing scientific studies testify to the significance of the area, including the ten-year field study of the Nature Conservancy, the work of the Massachusetts Natural Heritage & Endangered Species Program, and the studies conducted by Michael Klemens and others associated with the American Museum of Natural History and other organizations. The Schenob Brook Drainage Basin has been designated as a significant research site by the World Conservation Union (IUCN). The research is considered to have international conservation and species management implications.

The approximately one hundred letters submitted in support of the nomination and the testimony presented at the public hearing were eloquent in regard to the quality and uniqueness of the areas. Those who testified against the nomination were equally articulate in describing the special nature of the Schenob Brook area. The significance of the area has also been described by other naturalists and writers for over a century. In addition, the archaeological and historic resources of the area are essential aspects of the ACEC and should not be overlooked in their contribution to the character and significance of the area.

(3) Productivity

The biological richness of the area and the significance of the natural systems is an extension of the above findings regarding the quality and significance of the area. In addition to the biological productivity of the wetland systems, the prime agricultural soils and farms, orchards and woodlands are important components of the ACEC.

(4) Irreversibility and Magnitude of Impact

As described in the letter of nomination and the testimony received, the resources of the Schenob Brook ACEC are so fragile and unique that alterations may have irreversible consequences. Potential adverse impacts would be highly significant. The delineation of the boundaries of the ACEC was guided by the characteristics of the drainage basin and the important interaction of surface waters, surficial geology, plants and animals. The scenic beauty of the area - and the biological interactions essential to the survival of the unique natural communities — are dependent upon the health of the entire resource complex of this ACEC.

(5) Imminence of Threat to the Resource

Development pressures are a constant threat to the Schenob Brook area, as they are to almost every part of the Commonwealth. It is crucial that local land use regulation provide for appropriate development that protects and preserves the resources of the Schenob Brook area. Part of the purpose of ACEC review and designation is to encourage local zoning and regulations to recognize and protect the special environmental characteristics of areas like this.

(6) Economic Benefits

The intrinsic values of this area contribute to the local and regional economy in ways that include but are not limited to recreation, tourism, agriculture, private water supply and scientific studies. For rural areas like the Schenob Brook area, resource preservation and economic benefits are mutually interdependent.

(7) Supporting Factors

The public review of the nomination was an extensive and intensive process. The nomination stirred local controversy and strong opinions in support of or in opposition to the designation. As mentioned above, over 250 public comments and two petitions with over 1,000 signatures were received. The overwhelming majority of the comments received was in support of the nomination. Of the approximately 165 letters and postcards submitted by individuals, over 90% (approximately 155) expressed support for the nomination. A petition containing approximately 750 signatures supporting the designation was also submitted. At the public hearing, 50 people presented testimony: 42 supported the nomination, 3 opposed. Written support for the nomination was submitted by 8 municipal boards and commissions, 15 environmental organizations, 8 regional and state agencies and the 2 state legislators representing the area. No agencies or organizations submitted comments opposed to the nomination. Among the municipal boards and commissions, the Sheffield Board of Selectmen, Planning Board and Conservation Commission and the Mount Washington Planning Board and Conservation Commission supported the designation.

Environmental organizations that submitted written support for the nomination ranged from local to national organizations, and include the Berkshire Natural Resources Council, Berkshire Environmental Research Center, Berkshire—Litchfield Environmental Council, Sheffield Land Trust, Salisbury Association, The Nature Conservancy, Massachusetts Audubon Society, Appalachian Mountain Club, Appalachian Trail Conference, National Audubon Society, American Museum of Natural History, Housatonic Audubon Society, Sheffield Garden Club, Housatonic Valley Association and The Trustees of Reservations. Regional, state and federal agencies include the Berkshire County Regional Planning Commission; the Massachusetts Departments of Environmental Protection (Bureau of Resource Protection) and Fisheries, Wildlife and Environmental Law Enforcement (Natural Heritage Program and the Western Wildlife District) and the Massachusetts Historical Commission; the Connecticut Department of Environmental Protection (Bureau of Parks and Recreation and the State Geological and Natural History Survey); and the National Park Service. State Senator Peter Webber and Representative Christopher Hodgkins submitted letters of support for the designation.

The ecological significance of the Schenob Brook area to the Berkshires region, the Commonwealth of Massachusetts, and the New England region is emphasized by the variety and number of groups and organizations supporting the critical area designation.

The significance of the resources of the ACEC was never questioned throughout the public review process. Local opposition revolved around the issue of the appropriateness of the designation relative to local control over land use matters. A petition opposing the nomination was submitted with approximately 360 signatures. However, the purpose and effects of ACEC designation are not to undermine or take away local control from local boards and commissions, but to use existing state regulations to complement local efforts to protect and preserve critical environmental resources. Another purpose of the nomination and designation process is to encourage sound land and resource planning and regulation on the local level, and to coordinate these activities with available state resources. The importance of the resource area, and the need for local and state coordination to protect and preserve the resources of the ACEC, is a strong supporting factor for designation.

Another supporting factor for designation is the need to facilitate coordination between municipalities and between states to plan for and protect these critical resources. Not only is the approximately 14,000-acre ACEC located in two municipalities in Massachusetts, Mount Washington and Sheffield, but the source of Schenob Brook and portions of other related critical areas like Sages Ravine are located in Connecticut. It is essential to the long—term preservation of this resource area to coordinate efforts with the residents and town boards of Salisbury and the appropriate regional and state agencies in Connecticut.

An additional supporting factor for designation is the amount of publicly-owned land located within the ACEC. These lands include portions of Mt. Everett Reservation, Mount Washington State Forest and the Appalachian Trail. Also, the Department of Food and Agriculture owns an Agricultural Preservation Restriction in Sheffield. The Nature Conservancy owns additional property in the area. The value of this area is clearly indicated by past and current efforts to acquire and responsibly manage important portions of it.

Conclusion

This designation concludes the nomination and review of the Schenob Brook Drainage Basin ACEC and is another step in the continuing process to protect and preserve this critical environmental area. The designation is intended to focus the attention and efforts of citizens, communities, environmental organizations, and regional and state agencies on the critical value of the Schenob Brook area, and to encourage and support the cooperative effort needed to ensure and sustain its long-term health and viability. The significance of this ACEC requires that the highest standards of environmental review and protection be applied to actions that may affect its resources.

I am pleased to designate the Schenob Brook Drainage Basin as an Area of Critical Environmental Concern. I thank the many individuals, municipal boards and commissions, organizations and regional and state agencies who participated in the review of the nomination and who presented their concerns and recommendations. I congratulate the citizens who identified the need to prepare and submit the nomination, who initiated the process, and who persevered to its successful conclusion.

(signed) John P. DeVillars
Secretary of Environmental Affairs

August 10, 1990

[Original document reformatted for ACEC Program website, January, 2005]