



**Restoration Plan and Environmental Assessment  
for the Nyanza Chemical  
Waste Dump Superfund Site**



*Prepared for Nyanza NRD Trustee Council:*

Commonwealth of Massachusetts

U.S. Fish and Wildlife Service  
U.S. National Oceanic and Atmospheric Administration

*Prepared by:*

Stratus Consulting Inc.  
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Boulder, CO 80306-4059

# COPY



## United States Department of the Interior

### FISH AND WILDLIFE SERVICE

300 Westgate Center Drive  
Hadley, MA 01035-9589

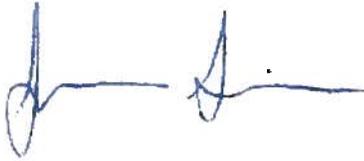


In Reply Refer To:  
FWS/Region 5/ES-EC

JUL 24 2012

#### Memorandum

To: Supervisor, New England Field Office

From: Assistant Regional Director - Ecological Services 

Subject: Restoration Plan and Environmental Assessment for the Nyanza Chemical Waste Dump Superfund Site

This is to inform you that the Regional Director, as Authorized Official, has approved the *Restoration Plan and Environmental Assessment for the Nyanza Chemical Waste Dump Superfund Site*. The Regional Director has signed the Department of the Interior approval page, the Environmental Action Statement, and the Finding of No Significant Impact. Copies of the signed documents are attached.

We appreciate the efforts of you and your staff in accomplishing restoration under the Natural Resource Damage Assessment and Restoration (NRDAR) program.

If you have technical questions regarding this requestor or need any other additional information, please contact Robin Heubel, Regional NRDAR Coordinator, at 413-253-8630.

Attachments

**U.S. Department of the Interior**  
**Approval of the**  
**Final Restoration Plan and Environmental Assessment**  
**for the**  
**Nyanza Chemical Waste Dump Superfund Site**  
**Town of Ashland, Middlesex County, Massachusetts**

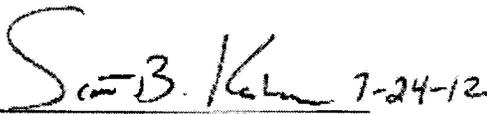
In accordance with U.S. Department of the Interior policy regarding documentation for natural resource damage assessment and restoration projects (521 DM 3), the Authorized Official for the Department must demonstrate approval of draft and final Restoration Plans and their associated National Environmental Policy Act documentation, with concurrence from the Department's Office of the Solicitor.

The Authorized Official for the Nyanza Chemical Waste Dump Superfund Site is the Regional Director for the U.S. Fish and Wildlife Service's Northeast Region.

By the signatures below, the final Restoration Plan/Environmental Assessment is hereby approved.

Approved:

Concurred:

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Date

Acting

Wendi Weber  
Regional Director  
Northeast Region  
U.S. Fish and Wildlife Service

Mark Barash  
Senior Attorney  
Northeast Region  
Office of the Solicitor

UNITED STATES FISH & WILDLIFE SERVICE

ENVIRONMENTAL ACTION STATEMENT

Within the spirit and intent of the Council of Environmental Quality's regulations for implementing the National Environmental Policy Act (NEPA) and other statutes, orders and policies that protect fish and wildlife resources, I have established the following administrative record and have determined that the action of the *Restoration Plan and Environmental Assessment for the Nyanza Chemical Waste Dump Superfund Site*:

\_\_\_ is a categorical exclusion as provided by 516 DM 6 Appendix 1 and 516 DM 6, Appendix 1. No further documentation will therefore be made.

XX is found not to have significant environmental effects as determined by the attached Environmental Assessment and Finding of No Significant Impact.

\_\_\_ is found to have significant effects, and therefore further consideration of this action will require a notice of intent to be published in the Federal Register announcing the decision to prepare an EIS.

\_\_\_ is not approved because of unacceptable environmental damage, or violation of Fish and Wildlife Service mandates, policy, regulations, or procedures.

\_\_\_ is an emergency action within the context of 40 CFR 1506.11. Only those actions necessary to control the immediate impacts of the emergency will be taken. Other related actions remain subject to NEPA review.

Other supporting documents (list):

Restoration Plan and Environmental Assessment for the Nyanza Chemical Waste Dump Superfund Site



Acting

Regional Director/DOI Authorized Official

7/24/2012

Date

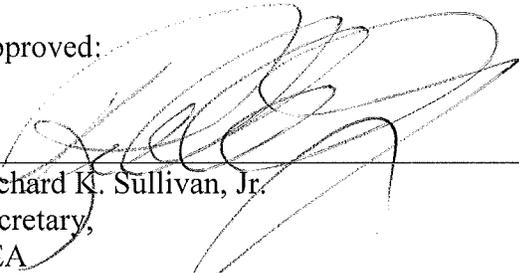


**Executive Office of Energy and Environmental Affairs  
Approval of the  
Final Restoration Plan/Environmental Assessment**

**Nyanza Chemical Waste Dump Superfund Site  
Natural Resource Restoration**

In accordance with Trustee protocol regarding documentation for Natural Resource Damage Assessment and Restoration (NRDAR) projects, the Executive Office of Energy and Environmental Affairs (EEA) is providing its approval of the Final Restoration Plan/Environmental Assessment (RP/EA) for the Nyanza Chemical Waste Dump Superfund Site Natural Resource Restoration.

Approved:

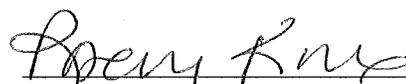
  
\_\_\_\_\_  
Richard K. Sullivan, Jr.  
Secretary,  
EEA  
Natural Resource Trustee for the Commonwealth of Massachusetts

7/27/12  
\_\_\_\_\_  
Date

Recommending Approval:

  
\_\_\_\_\_  
Benjamin Ericson  
Assistant Commissioner  
Bureau of Waste Site Cleanup  
Massachusetts Department of Environmental Protection

6/18/12  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Rosemary Knox  
Trustee Representative  
Nyanza NRD Trustee Council  
Massachusetts Department of Environmental Protection

6/15/12  
\_\_\_\_\_  
Date

# **Restoration Plan and Environmental Assessment for the Nyanza Chemical Waste Dump Superfund Site**

*Prepared for Nyanza NRD Trustee Council:*

Commonwealth of Massachusetts

U.S. Fish and Wildlife Service  
U.S. National Oceanic and Atmospheric Administration

*Prepared by:*

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August 6, 2012  
SC11973

## List of Authorities

- Natural Resource Trustees:** U.S. Department of the Interior:  
U.S. Fish and Wildlife Service  
U.S. Department of Commerce:  
U.S. National Oceanic and Atmospheric Administration  
Commonwealth of Massachusetts:  
Massachusetts Executive Office of Energy and Environmental  
Affairs, Trustee  
Massachusetts Department of Environmental Protection,  
Trustee Delegate
- Legal Authority:** Comprehensive Environmental Response, Compensation, and  
Liability Act of 1980 (as amended), 42 U.S.C. § 9601, *et. seq.*
- Federal Water Pollution Control Act (Clean Water Act)  
(as amended), 33 U.S.C. § 1251, *et. seq.*
- Natural Resource Damage Assessment Regulation,  
43 C.F.R. Part 11
- Oil Pollution Act of 1990 (33 U.S. Code 2701-2761 *et seq.*)
- Massachusetts Oil and Hazardous Material Release Prevention  
and Response Act (Massachusetts General Laws (M.G.L.)  
Chapter 21E)
- Lead Federal Agency for Restoration Plan:** U.S. Department of the Interior  
(Region 5, U.S. Fish and Wildlife Service)
- Lead Federal Agency for Environmental Assessment:** U.S. Department of the Interior  
(Region 5, U.S. Fish and Wildlife Service)

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## Acronyms and Abbreviations

ACEC	Area of Critical Environmental Concern
ADA	Americans with Disabilities Act
BERA	Baseline Ecological Risk Assessment
BFREE	Belize Foundation for Research and Environmental Education
BLSF	Bordering Land Subject to Flooding
BMP	best management practice
BRI	BioDiversity Research Institute
BVW	Bordering Vegetated Wetlands
CAPS	Conservation Assessment and Prioritization System
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act of 1980
CISMA	Cooperative Invasive Species Management Area
CMMCP	Central Massachusetts Mosquito Control Project
Comm-PASS	Commonwealth's Procurement Access & Solicitation System
CR	Conservation Restriction
CSCT	Cedar Swamp Conservation Trust
CWA	Clean Water Act
DFG	Massachusetts Department of Fish and Game
DOI	U.S. Department of the Interior
EA	Environmental Assessment
EEA	Massachusetts Executive Office of Energy and Environmental Affairs
EIS	Environmental Impact Statement
EJ	Environmental Justice
ENF	Environmental Notification Form
EPA	U.S. Environmental Protection Agency
FEMA	Federal Emergency Management Agency
FERC	Federal Energy Regulatory Commission
FIS	Flood Insurance Study
FONSI	Finding of No Significant Impact
GIS	geographic information system
GPS	global positioning system

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LID	low impact development
LIP	MassWildlife Landowner Incentives Program
LPCT	Lowell Parks and Conservation Trust
MA DCR	Massachusetts Department of Conservation and Recreation
MA DER	Massachusetts Division of Ecological Restoration
MassAudubon	Massachusetts Audubon Society
MassDEP	Massachusetts Department of Environmental Protection
MassWildlife	Massachusetts Division of Fisheries and Wildlife
MBTA	Massachusetts Bay Transportation Authority
MEPA	Massachusetts Environmental Policy Act
MESA	Massachusetts Endangered Species Act
M.G.L.	Massachusetts General Laws
MHC	Massachusetts Historical Commission
MOA	Memorandum of Agreement
MoSI	Monitoring Overwinter Survivorship
NAD 83	North American Datum of 1983
NEPA	National Environmental Policy Act
NGO	nongovernmental organization
NGVD 29	National Geodetic Vertical Datum of 1929
NHESP	Massachusetts Natural Heritage and Endangered Species Program
NHPA	National Historic Preservation Act
NMFS	National Marine Fisheries Service
NOAA	National Oceanic and Atmospheric Administration
NOI	Notice of Intent
NRD	natural resource damages
NRDAR	natural resource damage assessment and restoration
NWR	National Wildlife Refuge
OFBA	Office of Fishing and Boating Access
ORW	Outstanding Resource Water
OSHA	Occupational Safety and Health Act
PGP	Programmatic General Permit
PNF	Project Notification Form
POTWs	Publicly Owned Treatment Works
RFR	Request for Response
RP	Restoration Plan
RSC	River Stewardship Council

SuAsCo	Sudbury-Assabet-Concord
T&E	threatened and endangered
TMDL	Total Maximum Daily Load
USACE	U.S. Army Corps of Engineers
U.S.C.	United States Code
USDA	U.S. Department of Agriculture
USFWS	U.S. Fish and Wildlife Service
USGS	U.S. Geological Survey
WPA	Wetlands Protection Act

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# 1. Introduction to the Restoration Plan and Environmental Assessment

This Final Restoration Plan and Environmental Assessment (RP/EA) sets out alternatives and identifies the preferred alternative to restore natural resources and natural resource services that were injured as a result of the release of mercury and other hazardous substances from the Nyanza Chemical Waste Dump Superfund Site (the “Site”) located in Ashland, Massachusetts. The Massachusetts Executive Office of Energy and Environmental Affairs (EEA), the U.S. Department of the Interior (DOI), acting through the U.S. Fish and Wildlife Service (USFWS), and the National Oceanic and Atmospheric Administration (NOAA), acting in their capacity as natural resource Trustees on behalf of the public, prepared the Final RP/EA. Within EEA, the Massachusetts Department of Environmental Protection (MassDEP) administers the Natural Resource Damages (NRD) Program.

A wide range of restoration alternatives was identified through consultation with the public and governmental agencies. Eligibility and evaluation criteria guided the evaluation of alternatives. The ecological and socioeconomic setting of the affected environment, in this case the Sudbury-Assabet-Concord (SuAsCo) Watershed and its communities, was also explored to provide context for this evaluation. In addition, this document constitutes the EA for the proposed restoration of natural resources as defined under the National Environmental Policy Act (NEPA) [42 United States Code (U.S.C.) § 4321 et seq.], and addresses the potential impact of preferred restoration actions on the quality of the physical, biological, and cultural environment.

The preferred restoration alternative includes 12 preferred projects in 3 categories, summarized as follows:

*Aquatic biological resources:*

1. Removal of Tire Dump in Forested Wetlands in Ashland (to benefit freshwater wetlands)
2. Control of Aquatic Weeds in the Sudbury River Watershed (to benefit freshwater wetlands and riverine habitat)
3. Habitat Restoration to Benefit Coldwater Fish
4. Concord River Diadromous Fish Restoration: feasibility and stewardship (to benefit diadromous fisheries)
5. Sudbury River Schools Program.

*Riparian and floodplain resources:*

6. Greenways North Field Restoration (to benefit wildlife through restoration of riparian grasslands)
7. Neotropical Connections (to benefit migratory songbirds)
8. Sudbury River Corridor Land Acquisitions (to conserve habitat)
9. Creation of Stearns and Brackett Reservoirs Wildlife Preserve (to conserve habitat).

*Recreation and public access:*

10. Sudbury River Public Access on Aikens Road (canoe and cartop boat access)
11. Sudbury River Access Improvements at the Great Meadows National Wildlife Refuge (NWR) Headquarters (canoe and cartop boat access)
12. Red Maple Trail: Boardwalk and Wildlife Observation Platform Construction (trails and pathways).

## 1.1 Trustee Responsibilities and Authorities

When a release of hazardous substances or an oil spill occurs, federal, state, and tribal governments act on behalf of the public as trustees of natural resources under several authorities:

- ▶ The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, commonly known as Superfund (42 U.S. Code § 9601 et seq.)
- ▶ The Clean Water Act (CWA) (33 U.S. Code §1251 et seq.)
- ▶ The Oil Pollution Act of 1990 (33 U.S. Code 2701–2761 et seq.)
- ▶ The Massachusetts Oil and Hazardous Material Release Prevention and Response Act [Massachusetts General Laws (M.G.L.) Chapter 21E].

Natural resources are defined under CERCLA to include “land, fish, wildlife, biota, air, water, ground water, drinking water supplies, and other such resources belonging to, managed by, held in trust by, appertaining to, or otherwise controlled by the United States any state or local government, any foreign government, [or] any Indian [T]ribe” [CERCLA §101(16)]. Trustees assess injuries to natural resources resulting from the release of oil or hazardous substances and

bring claims against responsible parties for monetary damages in order to compensate the public by restoring, replacing, or acquiring the equivalent of natural resources that have been injured to compensate the public. This process is known as natural resource damage assessment and restoration (NRDAR).

Under Section 107(f)(1) of CERCLA, monetary damages awarded through NRD settlements can only be used to restore, replace, or acquire the equivalent of natural resources injured, destroyed, or lost as a result of the release of hazardous substances. Before NRD funds can be expended for this purpose, requirements for planning and public involvement must be met. Section 111(i) of CERCLA requires federal and state trustees to develop and adopt a RP for the use of NRD funds following “adequate public notice and opportunity for hearing and consideration of all public comment.” This document describes the public involvement activities undertaken by the Trustees, including the formal public review and comment opportunities that occurred prior to the development of the Final RP/EA.

In addition, the NEPA and its implementing regulations, 40 CFR Parts 1500–1508, require that federal agencies fully consider the environmental impacts of their proposed decisions and that such information is made available to the public. Thus, this RP has been developed to also constitute an EA for the proposed restoration of natural resources as defined under NEPA to address the potential impact of proposed restoration actions on the quality of the physical, biological, and cultural environment.

After the Final RP/EA is completed, individual projects may be determined to trigger thresholds established under the Massachusetts Environmental Policy Act (MEPA) and its implementing regulations (M.G.L. c.30, §§ 61–62H, and 301 CMR 11.00). Any such projects will then proceed through a MEPA review prior to implementation. Likewise, some projects may require additional NEPA analysis once the details of the restoration project are further defined (e.g., after the completion of the feasibility/planning portion of the project). Any such additional NEPA analysis will be completed prior to project implementation.

## **1.2 Summary of Nyanza NRD Settlement**

In 1998, the Commonwealth of Massachusetts, NOAA, and the USFWS entered into a NRD settlement, recovering approximately \$3 million in damages as compensation for natural resources injured, destroyed, or lost by the release of hazardous substances from or at the Site. Pursuant to the court-entered Consent Decrees, this NRD settlement was allocated as follows: \$2.8 million to be expended jointly by the state and federal Trustees and \$230,769 to the Commonwealth of Massachusetts for injuries to groundwater at the Site. Since that time, interest earned on the settlement funds has increased the total amount of funding available for restoration activities to approximately \$3.7 million.

### 1.3 Summary of Natural Resource Injuries

The Site is a 35-acre parcel of land located in an industrial area of Ashland south of the Sudbury River (Figure 1). From 1917 to 1978, companies that operated on the Site produced textile dyes and intermediates and generated large volumes of industrial wastes that contaminated soil and sediments, groundwater and surface water, wetlands, and the Sudbury River. The principal contaminant of concern is mercury; other contaminants are chromium, arsenic, lead, and organic compounds such as dichlorobenzene and chlorobenzene. Since 1987, the U.S. Environmental Protection Agency (EPA) has addressed contaminants through interim cleanup actions and four long-term remedial phases focusing on source control and cleanup of the soil, groundwater, wetlands and drainage ways, and the Sudbury River.

Of particular concern to the Trustees and the basis for much of the NRD claim is the Site's impact on the Sudbury River, its floodplain, and associated natural resources. According to EPA, mercury and chromium were used as catalysts in the production of textile dyes from 1917 to 1978. Approximately 2.3 metric tons (2,300 kg) of mercury were used per year from 1940 to 1970, with approximately 45 to 57 metric tons of mercury released to the Sudbury River during this period (U.S. EPA, 2004). Mercury contamination of open-water habitats, as well as surface soils and exposed sediments downstream from the Site, reduced the quality of the habitat for fish, amphibians, reptiles, other aquatic organisms, birds, and mammals. In 1986 the Massachusetts Department of Public Health imposed a Freshwater Fish Consumption Advisory for the Sudbury River from Ashland to its confluence with the Assabet and Concord rivers because of elevated levels of mercury in fish tissue. This advisory has continued until the present day. EPA's 2008 Final Supplemental Baseline Ecological Risk Assessment (BERA) also verifies, through site-specific studies, that mercury concentrations are elevated in water and sediments downstream of the Site, as well as in benthic invertebrates, fish, and insectivorous birds (e.g., tree swallow, red-wing blackbird); piscivorous birds (e.g., belted kingfisher, hooded merganser); and mammals (mink). (Note: see Figure 2 for the study area included in the BERA.) The 2008 BERA found that although there was evidence of elevated exposure, the concentrations (in different species/biota) do not cause "population-level" effects according to EPA-defined thresholds. However, adverse effects below this threshold level are likely occurring to a variety of species within the Site-affected area.

To compensate for natural resources impacted as a result of mercury contamination, the Trustees seek to restore habitats and species similar to those that were identified in remedial investigations and the BERA. Specifically, the Trustees focus on restoring wetland, floodplain, and riverine habitats and species that would utilize these habitats, particularly birds and riverine fish, as well as other aquatic organisms, amphibians, reptiles, and mammals.

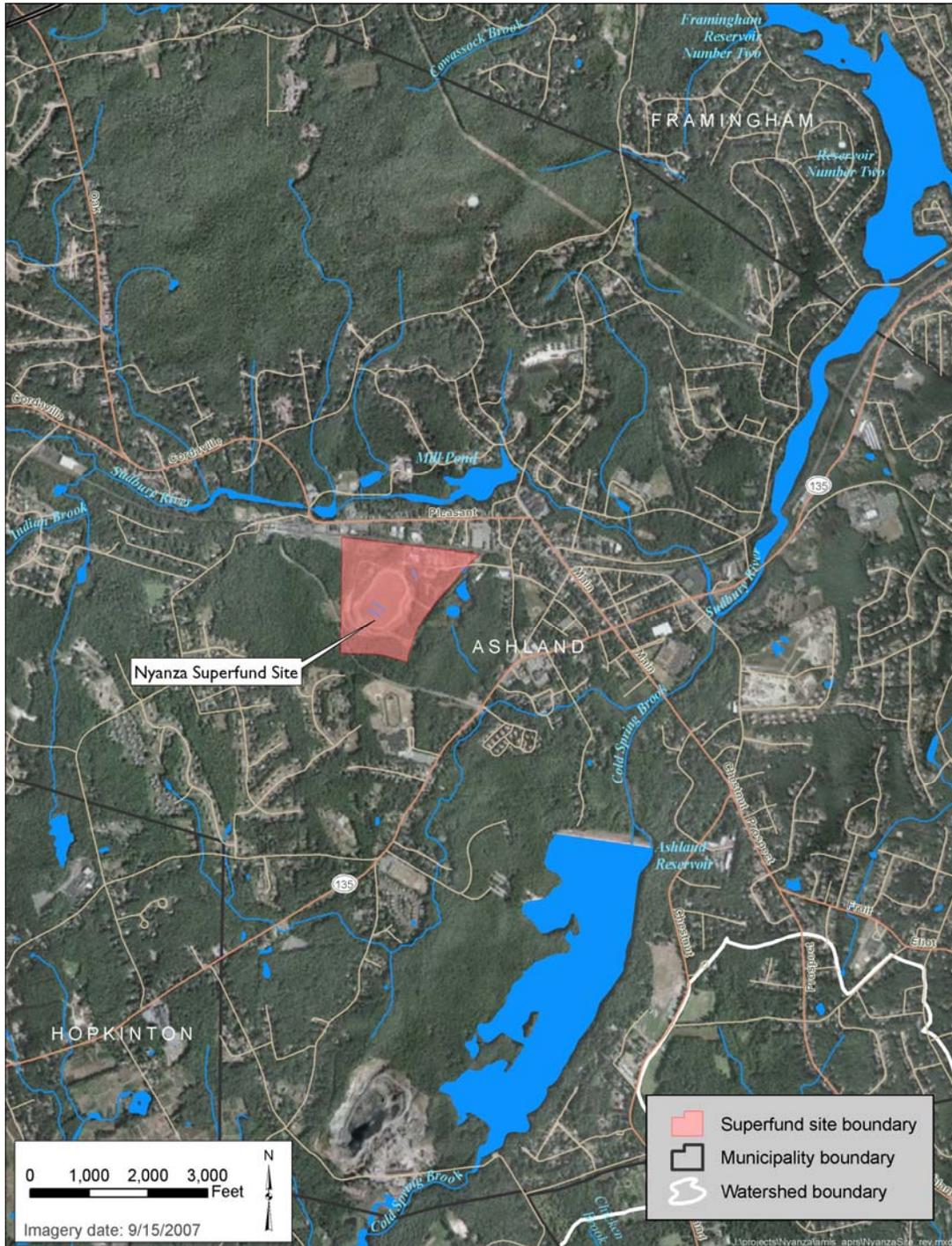
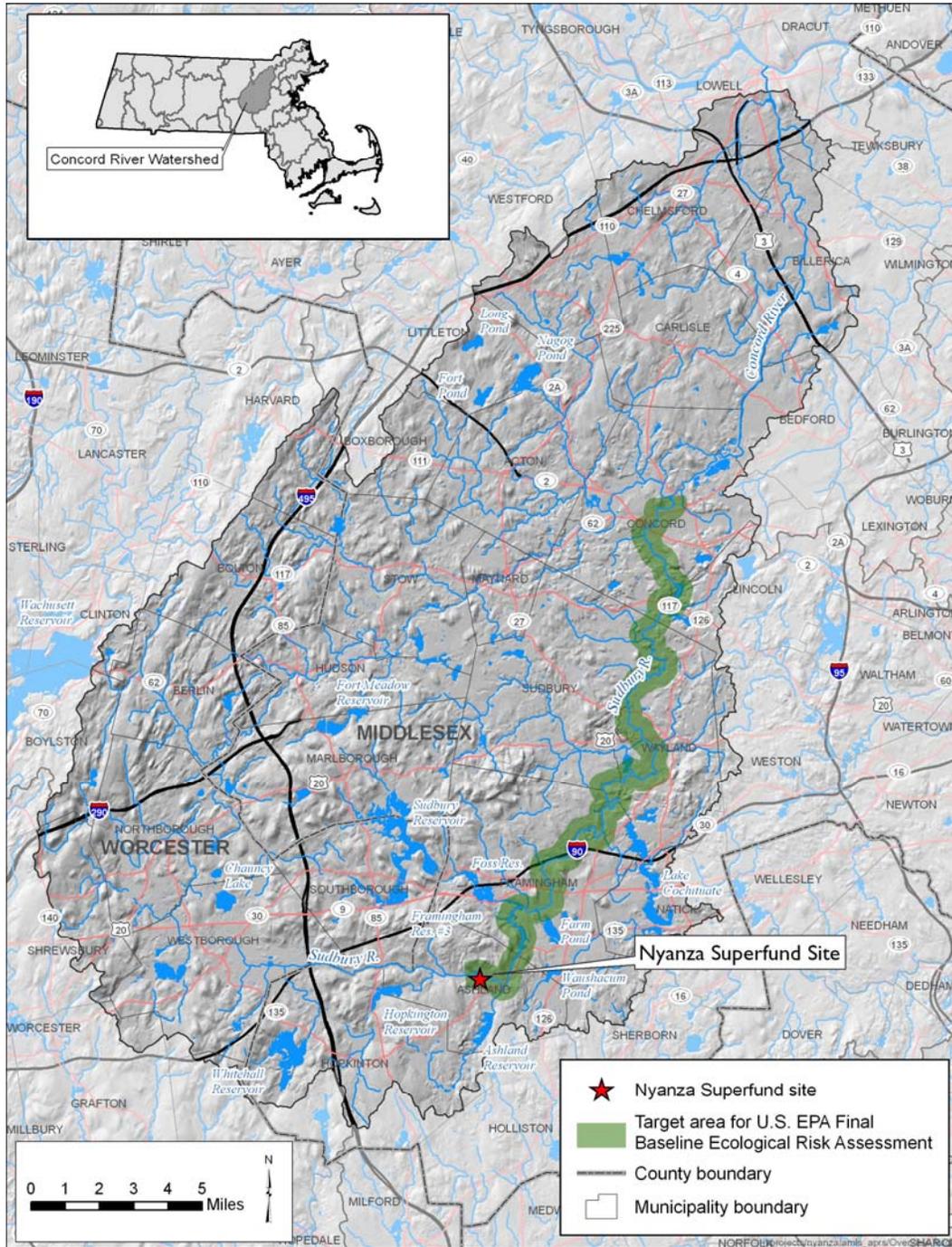


Figure 1. Location of Nyanza Superfund Site.



**Figure 2. Nyanza Superfund Site in the context of the SuAsCo Watershed.** Note that the Sudbury and Assabet rivers join to form the Concord River which discharges to the Merrimack river in Lowell. The EPA Final BERA focused on the stretch of river highlighted in green because of the mercury levels in that area.

## 1.4 Need for Restoration

The proposed restoration actions are needed to restore natural resources equivalent to those injured by releases of hazardous substances from the Site. Based on recommendations set forth in the Draft RP/EA and following input from the public, the Trustees then selected the preferred restoration alternatives.

## 1.5 Restoration Goals

The goal of the Nyanza Trustee Council is to develop natural resource restoration projects that restore the injured natural resources of the Sudbury River, including the adjacent wetlands and floodplains, and that also restore the species which are present or historically present, including fish, amphibians, reptiles, other aquatic organisms, birds, and mammals. The objective of restoration planning is to identify restoration projects that will compensate the public for injuries to natural resources that have occurred and will still occur over a lengthy time period, and choose appropriate restoration projects to be implemented with recovered funds.

The Commonwealth of Massachusetts has identified additional restoration goals and criteria for selecting groundwater restoration projects that will be addressed in a separate RP/EA.

Preferred restoration projects restore, replace, or enhance the values of the natural resources injured, or acquire the equivalent of similar resources or services injured. For aquatic resource projects, primary emphasis has been given to restoration projects within and along the mainstem Sudbury River, because these locations are closest to the location of injury. Secondary emphasis has been given to projects that are located within and along the Assabet and Concord rivers but have a positive impact on the injured natural resources and/or their services that are located within, utilize, or historically utilized the Sudbury River Watershed. For migratory birds, the Trustees may consider implementing some projects outside the watershed. These projects would need to demonstrate a positive impact on birds that nest within the Sudbury River Watershed. For projects located in close proximity to the location of injury, the Trustees have considered the potential for contamination or recontamination of the restored resources. Projects will be designed to have minimal intrusive work along the Sudbury River or its banks that could lead to resuspension of contaminated sediments. For example, management and stewardship activities at the Stearns and Brackett Wildlife Preserve will focus on not disturbing the Sudbury River or its banks. Harvesting of water chestnut along the Sudbury River will be coordinated with EPA to avoid disturbing contaminated sediments.

Toward achieving the goal of broadly restoring injured natural resources, the Nyanza Trustee Council identified the following categories of possible restoration activities to be considered in restoration planning:

- ▶ Aquatic biological resources and their supporting habitats and food sources
- ▶ Riparian and floodplain biological resources and their supporting habitats and food sources
- ▶ Water-dependent recreational uses, e.g., recreational fishing.

## **1.6 Coordination and Scoping**

### **1.6.1 Trustee Council Organization and Activities**

In 1998, the Secretary of the EEA, the Secretary of the DOI, and the Under Secretary for Oceans and Atmosphere of NOAA signed a Memorandum of Agreement (MOA) to act on behalf of the public as federal and state Trustees for natural resources for the Nyanza NRD settlement. In addition, MassDEP and EPA were signatories to the MOA to ensure coordination between the Trustees and the remedial agencies. Within EEA, MassDEP administers the NRD Program.

Each Trustee designated a primary representative to the Nyanza Trustee Council. The current Trustee representatives are:

- ▶ Rosemary Knox, MassDEP
- ▶ Molly Sperduto, USFWS
- ▶ Eric Hutchins, NOAA.

For Trustee representative contact information, please see Appendix A.

The Nyanza MOA outlines a framework for the cooperative development and implementation of a RP to restore, replace, and/or acquire the equivalent natural resources affected by the release of hazardous substances from or at the Site. While MassDEP, USFWS, and NOAA have coordinated and cooperated in the development of this RP/EA, the MOA designates the Commonwealth of Massachusetts as the lead administrative Trustee to manage the restoration planning process. The Nyanza Trustee Council's Restoration Coordinator, Karen Pelto, is based at MassDEP. The lead federal Trustee for NEPA documentation and review is the USFWS. Decisions regarding the use of Nyanza NRD settlement funds for restoration activities are made jointly based on unanimous agreement of the Trustees.

## 1.6.2 Summary of Public Involvement

During 2008 and 2009, the Nyanza Trustee Council met with citizens, community and environmental groups, local and regional officials, and state and federal agencies to explain the restoration planning process and identify restoration projects that address the natural resource injury and meet project selection criteria. In addition to conducting two formal public meetings, Trustee Council representatives and the Restoration Coordinator participated in several meetings hosted by community groups as well as numerous site visits and consultations. These public involvement activities are summarized below.

- ▶ On June 11, 2008, the Nyanza Trustee Council hosted the first formal public meeting in Framingham, Massachusetts, to present an overview of the restoration planning process. This overview included information on goals and criteria that would guide the selection of restoration projects and major milestones and opportunities for continued public involvement and input. This informational meeting kicked off public outreach to involve all communities and identify all opportunities for restoration at the earliest possible stage.

Following the June 2008 meeting, the public and government agencies were invited to submit natural resource restoration project ideas for Trustee Council consideration. These ideas were collected over a 90-day period using a Natural Resource Damage Assessment Restoration Project Information Sheet (OMB Control #0648-0497, expires 9/30/2010; Appendix B). Using this Project Information Sheet, the parties provided information regarding their organization; suggested restoration activities and likely resource, habitat, and/or resource service benefits; provided project status; and proposed possible partnerships. Respondents were encouraged to include additional information, including maps and diagrams, as appropriate.

A list of all restoration project ideas submitted to the Trustee Council for consideration, as well as additional projects identified by the Trustee Council, can be found in Appendix C.

- ▶ Restoration project ideas could include:
  - Creation of a habitat, natural resource, or service in an area where it did not previously exist
  - Rehabilitation or reestablishment of an area that once provided, but does not currently provide, the targeted natural resource, habitat, or service
  - Enhancement of an existing resource, habitat, or service
  - Preservation/protection that removes a threat to a natural resource, habitat, or service.

- ▶ In response to the Trustee Council's request for restoration project ideas, on August 6, 2008, the MetroWest Growth Management Committee, the Sudbury River Watershed Organization, and the SuAsCo Watershed Community Council co-convened an open forum to discuss project ideas and to explore potential partnerships and natural collaborations to help strengthen project proposals. The Nyanza Trustee Council Restoration Coordinator attended this meeting to provide information on the restoration planning process, project eligibility, and evaluation criteria. Meeting participants included organizations, local officials, and individuals who were contemplating a project proposal for the SuAsCo Watershed as part of the RP.
- ▶ By September 9, 2008, the Nyanza Trustee Council received a total of 47 project ideas, excluding groundwater restoration submissions. Categories of project ideas included invasive species control, freshwater restoration, diadromous fisheries restoration, land acquisition, education and stewardship, recreation and public access, stormwater management, and resource management and protection.
- ▶ To assist in evaluating these project ideas, the Nyanza Trustee Council conducted site visits on August 4, September 12, October 10, and October 28, 2008, and consulted with respondents and appropriate public remedial and natural resource management agencies.
- ▶ On November 5, 2008, the Nyanza Trustee Council hosted a second public meeting to discuss proposed restoration project ideas submitted to the Trustees. At this meeting, the next steps in the restoration planning process and additional opportunities for public input were described.
- ▶ On October 26, 2009, EEA, acting on behalf of the Nyanza Trustee Council, contracted with Stratus Consulting and its subcontractor, Fuss & O'Neill Inc., to provide additional technical expertise for evaluating restoration project ideas. Additional site visits were conducted on November 16, November 19, and December 10, 2009, to obtain updated information on project status.
- ▶ Through site visits and consultations, four additional restoration project ideas were identified. The original 47 project ideas, plus the restoration of wild rice, neotropical migratory bird restoration, freshwater wetlands/tire dump restoration, and additional access improvements at the Great Meadows NWR headquarters, result in 51 project ideas (see Appendix C) that were subject to eligibility and evaluation criteria developed by the Nyanza Trustee Council.
- ▶ On December 14, 2011, the Nyanza Trustee Council held a public meeting in Framingham, MA, to introduce the Draft RP/EA and solicit public comment. An attendance list and notes from this meeting are provided in Appendix D.

### 1.6.3 Public Notification

Under CERCLA and NEPA, the Trustees must notify the public of the availability of the Draft RP/EA. The Trustees published the notice of the availability of the Draft RP/EA in the *MetroWest Daily News*. Press releases were issued to local and regional newspapers and notification was circulated to all towns and public meeting participants via email. The document was made available for review at the Ashland Public Library. The document could also be read or downloaded from the web at the following address:

<http://www.mass.gov/dep/cleanup/sites/nrd/nrdny.htm>.

The public had 60 days to review and comment on the Draft RP/EA. The public was requested to reference specific pages (or sections) in the RP/EA whenever possible. Comments, suggestions, or additional alternatives relating to the RP/EA were requested to be as detailed and specific as possible. Comments were sent to the attention of Karen Pelto at the following address:

Karen Pelto  
Massachusetts Department of Environmental Protection  
Bureau of Waste Site Cleanup  
One Winter Street, 6th Floor  
Boston, MA 02108

or by e-mail to [Karen.Pelto@state.ma.us](mailto:Karen.Pelto@state.ma.us).

The Trustees reviewed and considered all comments received. Summaries of the comments, the Trustees' responses to comments, along with any clarifications and/or revisions of this document that the Trustees deem appropriate, are noted in Section 7 and incorporated into this Final RP/EA.

### 1.6.4 Restoration Planning Record

The restoration planning record (referred to as the administrative record in the Draft RP/EA) contains the documents pertaining to the Nyanza NRD restoration planning effort. The restoration planning record for the NRD case, including all restoration project ideas submitted to the Nyanza Trustee Council, is housed at the Ashland Public Library, 66 Front Street, Ashland, MA 01721.

## 2. Affected Environment

This section describes the ecological and socioeconomic environment in which restoration activities would be implemented. The purpose is to summarize the current conditions in the SuAsCo Watershed and provide a foundation for assessing the relative impacts of the restoration alternatives considered. Regional planning documents, and the conservation and restoration priorities set forth in those documents, were considered in the development of this RP/EA. These planning documents are shown in Table 1 and discussed below. Specific conservation and restoration strategies will be referred to in this RP/EA as appropriate in the evaluation of restoration alternatives, particularly as they relate to the Nyanza Trustee Council restoration goals described in Section 1.5.

**Table 1. Selected sources with detailed information on the biological and socioeconomic features of the SuAsCo Watershed**

Title	Citation and link
<i>Final Supplemental Baseline Ecological Risk Assessment, Volume 1: Sections 1–5 for the Nyanza Chemical Waste Dump Superfund Site Operable Unit 4 – Sudbury River Ashland, Massachusetts</i>	U.S. EPA, 2008 <a href="http://www.epa.gov/region1/superfund/sites/nyanza/443220.pdf">http://www.epa.gov/region1/superfund/sites/nyanza/443220.pdf</a>
<i>Final Comprehensive Conservation Plan for the Great Meadows National Wildlife Refuge</i>	USFWS, 2005b <a href="http://library.fws.gov/CCPs/greatmeadows_final05.pdf">http://library.fws.gov/CCPs/greatmeadows_final05.pdf</a>
<i>Final Comprehensive Conservation Plan for the Assabet River National Wildlife Refuge</i>	USFWS, 2005a <a href="http://library.fws.gov/CCPs/assabetriver_final05.pdf">http://library.fws.gov/CCPs/assabetriver_final05.pdf</a>
<i>Sudbury, Assabet and Concord Wild and Scenic River Conservation Plan</i>	NPS, 1995 (updated 2005) 1995 version available here: <a href="http://www.rivers.gov/publications/studies/suasco-river-conservation-plan.pdf">http://www.rivers.gov/publications/studies/suasco-river-conservation-plan.pdf</a>
<i>Assessment Report for the SuAsCo River Watershed</i>	EEA, 2005a <a href="http://www.suasco.org/programs/Assessment%20Report.pdf">http://www.suasco.org/programs/Assessment%20Report.pdf</a>
<i>5-Year Watershed Action Plan for the SuAsCo River Watershed</i>	EEA, 2005b <a href="http://www.suasco.org/programs/Action%20Plan.pdf">http://www.suasco.org/programs/Action%20Plan.pdf</a>
<i>SuAsCo Watershed 2001 Water Quality Assessment Report</i>	MassDEP, 2001 <a href="http://www.mass.gov/dep/water/resources/82wqar1.pdf">http://www.mass.gov/dep/water/resources/82wqar1.pdf</a>
<i>SuAsCo Watershed Greenprint for Growth</i>	SVT, 2001 (more information available at: <a href="http://www.sudburyvalleytrustees.org/">http://www.sudburyvalleytrustees.org/</a> )

**Table 1. Selected sources with detailed information on the biological and socioeconomic features of the SuAsCo Watershed (cont.)**

Title	Citation and link
<i>SuAsCo (Sudbury, Assabet, and Concord River Watershed) Biodiversity Protection and Stewardship Plan</i>	Clark, 2000 <a href="http://www.sudburyvalleytrustees.org/files/Biodiversity_Plan/BIODIV_PLAN.pdf">http://www.sudburyvalleytrustees.org/files/Biodiversity_Plan/BIODIV_PLAN.pdf</a>
<i>Greenways Plan for the SuAsCo Watershed</i>	SVT and SuAsCo Watershed Community Council, 2000 (more information available at: <a href="http://www.sudburyvalleytrustees.org/">http://www.sudburyvalleytrustees.org/</a> )
<i>MetroFuture: Making a Greater Boston Region</i>	Metropolitan Area Planning Council, 2010 <a href="http://metrofuture.org/">http://metrofuture.org/</a>

## 2.1 SuAsCo Environment

The mainstem Sudbury and Assabet rivers join to form the Concord River, which flows into the Merrimack River in Lowell, draining a watershed of 377 square miles. Including tributary streams, there are an estimated 260 named river miles in the watershed. MassDEP (2001) has identified 125 lakes, ponds, and impoundments with a total surface area of 7,147 acres. Several watershed plans identify habitat and recreational resources, as well as critical water quality, water quantity, and other issues and priorities across the watershed (NPS, 1995; Clark, 2000; EEA, 2005a, 2005b).

Natural resources that are important to protect on a regional scale include key wildlife species and habitat types to support those species, including upland and wetland habitats, and specific natural community types and biodiversity sites within those habitats. Twenty-three municipalities in the SuAsCo Watershed have biodiversity sites within their borders that need protection and management to help protect biodiversity on a regional scale. As of 2000, 45% of these biodiversity sites had been permanently protected. Among these are the Great Meadows NWR and its floodplain forests and marshes, Estabrook Woods in Concord and Carlisle and its extensive forests, Walden Woods in Concord and Lincoln and its unusual bogs, and the Cedar Swamp in Westborough and its rare Atlantic white cedar (*Chamaecyparis thyoides*) groves. Gaps in protection include the western part of the watershed and its unique dry oak forests with seeps, coldwater trout streams, vernal pool clusters, and large field complexes; these habitats support nesting goshawks (*Accipiter gentilis*), marbled salamanders (*Ambystoma opacum*), bobcats (*Lynx rufus*), bobolinks (*Dolichonyx oryzivorus*), meadowlarks (*Sturnella* spp.), and kestrels (*Falco sparverius*) (Clark, 2000).

Watershed challenges include excessive nutrient enrichment of surface waters contributing to excess algal growth and proliferation of non-native aquatic vegetation; depletion of aquifers,

wetlands, ponds, rivers, and streams by groundwater withdrawal and insufficient groundwater recharge; and terrestrial and aquatic habitat fragmentation (NPS, 1995; MassDEP, 2001; EEA, 2005a, 2005b).

### **2.1.1 Federal Recognition of Ecological Importance**

The Sudbury, Assabet, and Concord rivers have been recognized nationally for their unique ecological and cultural resources through the designation of specific reaches as National Wild and Scenic Rivers and through the creation of the Great Meadows and Assabet River NWRs. A number of efforts to restore and enhance wildlife have been undertaken [e.g., USFWS led an effort to establish self-sustaining river herring populations in these rivers, as well as an effort to establish a population of Blanding's turtle (*Emydoidea blandingii*) at the Assabet River NWR (USFWS, 2007)]. Each river exhibits distinctive characteristics and experiences unique threats to ecological integrity.

#### **National Wild and Scenic Rivers**

In April 1999, Congress designated 29 free-flowing miles of the Sudbury, Assabet, and Concord rivers as National Wild and Scenic Rivers in recognition of “outstandingly remarkable” resources in the following categories: recreation, scenery, history, literature, and ecology. This designation encompasses 16.6 miles of the Sudbury River in Framingham (below Danforth Street Bridge), Wayland, Sudbury, Lincoln, and Concord; 4.4 miles of the Assabet River in Concord (1,000 feet below the Damon Mill Dam in West Concord to its confluence with the Sudbury and Concord rivers); and eight miles of the Concord River in Concord, Bedford, and Billerica (upstream of the Route 3 Bridge).

#### **National Wildlife Refuges**

The Great Meadows NWR was created “for use as an inviolate sanctuary, or for any other management purpose, for migratory birds” (Migratory Bird Conservation Act, 16 U.S.C. §715d), and is divided into two divisions: the Concord Division (1,542 acres) and the Sudbury Division (2,321 acres) (USFWS, 2005b). The Assabet River NWR, formerly known as the Sudbury Training Annex, was created in the fall of 2000, when the Fort Devens Army base transferred 2,230 acres to the USFWS. The Assabet River NWR is located in portions of the Towns of Hudson, Maynard, Stow, and Sudbury and covers approximately 3.5 square miles (USFWS, 2005a).

The Great Meadows NWR provides habitat for a variety of terrestrial and aquatic species. Many migrating waterfowl, shorebirds, wading, and marsh birds utilize the Concord impoundments. Amphibians and reptiles use the marsh habitats. The upland areas support woodcock (*Scolopax* spp.), songbirds, and many raptors (USFWS, 2005b). The Assabet River NWR possesses

extensive wetland habitats, including a remnant Atlantic white cedar swamp. Of the surrounding upland forests and grasslands, approximately 70% of the refuge land is forested with white pine (*Pinus strobus*) and mixed hardwoods dominating. Along with providing habitat to numerous species considered threatened or endangered by the State of Massachusetts, the Assabet River NWR also includes several rare wetland types and a number of vernal pools, which are considered to be habitats of special concern (USFWS, 2005a).

### **Diadromous fish**

In 1999, the USFWS initiated a multi-year effort on the Concord River to restore two species of river herring (blueback herring, *Alosa aestivalis*; and alewife, *Alosa pseudoharengus*). The USFWS selected the Concord River because it is the only major tributary of the Merrimack River with a confluence downstream of the Pawtucket Dam in Lowell, which allows diadromous fish (those that live in both fresh and salt water) to traverse between the river and the sea. Also, the Concord and Sudbury rivers contain large amounts of lacustrine and riverine spawning and rearing habitat. Over several years, river herring were transported from the Nemasket River in southeastern Massachusetts to release sites in the Concord and Sudbury rivers. The stocking effort was accomplished with the help of state and federal agencies, environmental groups, and citizen volunteers. Restoration sites for juvenile herring production have been identified on the Assabet and Sudbury rivers and their tributaries. American eel (*Anguilla rostrata*) have also been collected in surveys of the mainstem and tributaries of the Sudbury, Assabet, and Concord rivers (MassDEP, 2001). In addition, American shad (*Alosa sapidissima*) use the Merrimack River for spawning, but this species does not currently utilize tributaries to the Merrimack River, such as the Concord River (Brady et al., 2005).

### **Sudbury River**

The Sudbury River is 41 miles long and originates in Westborough as the outlet of Cedar Swamp Pond. The Cedar Swamp Pond was the first Area of Critical Environmental Concern (ACEC) designated in Massachusetts in recognition of its use as a drinking water supply and uncommon Atlantic white cedar groves. The Sudbury River flows through Ashland into Framingham and then flows north through the Towns of Sudbury, Wayland, Lincoln, and into Concord. The Sudbury River is a relatively low-gradient stream with faster flowing areas and associated riffle and pool complexes limited primarily to the headwater regions of the river and directly downgradient of impoundment dams. The Sudbury River has several distinct sections:

- ▶ Upstream of Framingham, the Sudbury River is a narrow, rapidly flowing stream
- ▶ In Framingham, the Sudbury River flows through Reservoirs #1 and 2 [Stearns and Brackett reservoirs are currently managed by the Massachusetts Department of Conservation and Recreation (MA DCR)] and into the Saxonville Impoundment

- ▶ In Wayland and Sudbury, the Sudbury River flows through the Great Meadows NWR; this 12-mile section changes elevation by only 1 foot, and has been compared to an elongated lake
- ▶ In Lincoln and Concord, the Sudbury River discharges into Fairhaven Bay, a lake-like waterbody of the Sudbury River
- ▶ The Sudbury River then flows north to its confluence with the Assabet River at Egg Rock in Concord.

The Massachusetts Surface Water Quality Standards designate the most sensitive uses for which surface waters in the Commonwealth shall be protected. Examples of designated uses include public water supply; habitat for fish, other aquatic life, and wildlife; fish consumption; primary (swimming) and secondary (boating) contact recreation; and aesthetics. The MassDEP routinely conducts sampling in rivers and lakes to assess the quality of surface waters, aquatic habitats, and aquatic species. The assessment of water quality conditions leads to a determination of whether each designated use of a particular water body is *supported* or *impaired* (MassDEP, 2001).

According to the MassDEP (2001), 51% of the river miles in the Sudbury River Watershed are assessed as supporting Aquatic Life Use; and 28% are assessed as impaired for Aquatic Life Use. On the mainstem, the Sudbury River from the outlet of Framingham Reservoir #1 to the inlet of Saxonville Pond in Framingham has a moderately impaired benthic macroinvertebrate community. In 1986, the Massachusetts Department of Public Health issued a site-specific fish consumption advisory for the Sudbury River for all towns from Ashland to Concord due to mercury contamination. Additionally, a site-specific fish consumption advisory has been issued for the Concord River in the Towns of Concord, Carlisle, Bedford, and Billerica due to mercury. For a complete list and maps of fish consumption advisories, see <http://www.mass.gov/dph/fishadvisories>.

The CWA, under Section 303(d), requires that states identify waterbodies that are not expected to meet surface water quality standards even after required levels of pollution controls have been installed to address point sources of pollution (such as municipal and industrial discharges). These lists of impaired waterbodies are referred to as “303(d) lists.” In addition, under Section 305(b) of the CWA, states are required to produce a biennial water quality report that evaluates all waters with respect to their capacity to support designated uses. Beginning in 2002, Massachusetts combined these reporting requirements into an “Integrated List of Waters” that fulfilled the reporting requirements for both Section 303(d) and Section 305(b) (EEA, 2008).

Two segments of the Sudbury River, from the outlet of Saxonville Pond in Framingham to their confluence with the Assabet River in Concord, are listed on the 1998, 2002, 2004, and 2006 versions of the Massachusetts 303(d) list for non-attainment of designated uses due to metals

(U.S. EPA, 2010). Also, the 2008 Massachusetts Integrated List of Waters lists those segments as impaired for metals, plus two additional segments in the Sudbury River (from the Fruit Street bridge in Hopkinton/Westborough to the inlet of Framingham Reservoir #2 in Ashland, and from the outlet of Framingham Reservoir #1 to the inlet of Saxonville Pond in Framingham) as impaired for metals (EEA, 2008).

### **Assabet River**

The headwaters of the Assabet River begin in Westborough and feed the reservoir above the George H. Nichols Dam. The Nichols Dam, which is managed by the U.S. Natural Resources Conservation Service, was completed in 1970 as a multipurpose dam that provides flood control and maintains a 380-acre pool for recreation. From the outlet of the dam, the Assabet River flows northeast for 30 miles through Northborough, Marlborough, Hudson, Stow, Maynard, and Concord to its confluence with the Sudbury River at Egg Rock in Concord.

According to the MassDEP (2001), 24.8 miles of the Assabet River mainstem are assessed as impaired for the Aquatic Life Use. Causes of impairment include flow regime alterations, total phosphorus, excess algal growth, non-native aquatic plants, low dissolved oxygen/saturation, and impacted benthic/fish communities. The major known sources of impairment are municipal point source discharges and impacts from hydrostructure/flow regulation/modifications. The Primary, Secondary, and Aesthetics uses are assessed as impaired for the mainstem Assabet River downstream from the Route 20 (Aluminum City) Dam in Northborough to the Powdermill Dam in Acton. Causes of impairment include excess algal growth, debris/floatables/trash, odors, and noxious aquatic plants. The Assabet River is also impaired for the Primary Contact Recreational Use downstream from the Powdermill Dam to its confluence with the Sudbury River due to elevated counts of fecal coliform bacteria.

The Assabet River is listed on the 1998 (and all previous versions) Massachusetts 303(d) List and the 2002, 2004, 2006, and 2008 Massachusetts Integrated Lists of Waters as impaired primarily for Nutrients and for Organic Enrichment/Low Dissolved Oxygen (EEA, 2008; U.S. EPA, 2010). In 2004, the MassDEP prepared a nutrient Total Maximum Daily Load (TMDL) for the nutrient phosphorus (as Total Phosphorus) that requires decreased loadings from Publicly Owned Treatment Works (POTWs) and from certain nonpoint sources, principally sediment phosphorus flux.

### **Concord River**

The Sudbury and Assabet rivers join together at Egg Rock to form the Concord River that flows north for approximately 15 miles through the Towns of Carlisle, Bedford, and Billerica to join the Merrimack River in Lowell. In Billerica, the Talbot Mills and Wamesit Falls (also known as Centennial Island) dams impound the Concord River. The Wamesit Falls or Centennial Island Dam is an active hydropower generator and includes an operational fish ladder maintained by the

hydropower operator as a condition of its license from the Federal Energy Regulatory Commission (FERC). The Talbot Mills/Billerica Dam does not have fish passage facilities. (In Lowell, the left segment of the Middlesex Dam has been partially breached and water also flows through the right segment of the dam, but the remaining structures continue to form a hydraulic constriction.) There are also three sets of waterfalls in a one-mile reach on the Concord River in Lowell that provide Class III and IV whitewater for rafting. The Concord River serves as a water supply, with treatment, for the Town of Billerica.

According to the MassDEP (2001), none of the 29.6 river miles in the Concord River Watershed support the Aquatic Life Use. Fifteen and one-half river miles of the mainstem Concord River are assessed as impaired because of non-native aquatic macrophyte infestations. Additionally, barriers to fish migration are also suspected of impacting the aquatic life in the Concord River from the Billerica Water Supply Intake in Billerica to the Rogers Street Bridge in Lowell. The Concord River from the Rogers Street Bridge to its confluence with the Merrimack River is impaired for the Primary and Secondary Contact Recreational uses because of fecal coliform bacteria, debris/floatables/trash, and excess algal growth. The Concord River is listed on the 1998 (and all previous versions) Massachusetts 303(d) list and the 2002, 2004, 2006, and 2008 Massachusetts Integrated Lists of Waters as impaired primarily for non-attainment of designated uses due to metals, nutrients, pathogens and, below Rogers Street Bridge, noxious aquatic plants (EEA, 2008; U.S. EPA, 2010).

## 2.2 Socioeconomic Environment

The SuAsCo Watershed encompasses 377 square miles of land in an area of Massachusetts known as “Metro West” and includes all or part of 36 municipalities home to approximately 400,000 people. Acton, Carlisle, Framingham, Hudson, Marlborough, Maynard, Northborough, Southborough, Stow, and Sudbury are entirely within the watershed. Ashland, Bedford, Berlin, Billerica, Bolton, Boxborough, Boylston, Chelmsford, Clinton, Concord, Grafton, Harvard, Holliston, Hopkinton, Lincoln, Littleton, Lowell, Natick, Sherborn, Shrewsbury, Tewksbury, Upton, Wayland, Westborough, Westford, and Weston are partially within the watershed (EEA, 2005a).

The Metropolitan Area Planning Council’s region includes many SuAsCo Watershed communities that are characterized as (Metropolitan Area Planning Council, 2008):

- ▶ *Regional urban centers:* Framingham, Marlborough, and Lowell are characterized by an urban-scale downtown core with multiple blocks of multi-story, mixed use buildings; moderately dense residential neighborhoods surrounding this core; and (in some cases) lower-density, single-family residential development beyond the downtown core.

- ▶ *Maturing suburbs:* Ashland, Southborough, Natick, Wayland, Sudbury, Maynard, Lincoln, Concord, Acton, Bedford, Chelmsford, and Billerica are moderate-density residential communities with a moderate amount of commercial and industrial uses and a dwindling supply of vacant developable land.
- ▶ *Developing suburbs:* Hopkinton, Westborough, Hudson, Stow, Bolton, Boxborough, and Carlisle are less-developed towns with large expanses of vacant developable land. Most have recently experienced high rates of growth, primarily through large-lot single-family homes. Many of these towns have a well-defined, mixed-use town center. Others have town centers with historical and civic significance but no commercial or neighborhood function.

According to EEA, cities and towns within the watershed that include Environmental Justice (EJ) populations are Acton, Framingham, Hudson, Marlborough, Chelmsford, Clinton, Concord, Grafton, Lowell, Tewksbury, Upton, and Westborough (EEA, 2002). In Massachusetts, EJ populations are determined by the following criteria:

- ▶ Households earn 65% or less of the statewide household median income
- ▶ 25% or more of the residents are minority
- ▶ 25% or more of the residents are foreign-born
- ▶ 25% or more of the residents are lacking English language proficiency.

Recently, the SuAsCo Watershed has been one of the most rapidly growing areas in Massachusetts. The Interstate-495 Corridor region, comprising all or part of 20 of the watershed's 36 communities, was the fastest growing region in the state in the last decade. In the 20 towns of the Assabet River Basin, alone, population grew by 15% between 1990 and 2000, almost three times the average growth rate throughout the Commonwealth for the same period (SVT, 2001). Recent and projected growth pressure places demand on developable land as well as on water and wastewater services. A significant portion of the headwaters for the watershed rests within these high-growth communities. Population in the I-495 Corridor is projected to increase by 15% between 2000 and 2030; within that time it is projected that 10 communities will exceed their existing water withdrawal allocations (Metropolitan Area Planning Council, 2007).

### **3. Restoration Evaluation Criteria**

While CERCLA and NRD regulations require that restoration activities restore, rehabilitate, replace, or acquire the equivalent of the resources and services that were injured or lost, they do not prescribe which restoration projects are preferred. The natural resource Trustees are provided discretion in identifying and selecting restoration projects.

The Trustees developed evaluation criteria as a tool for assessing project strengths and weaknesses. To develop these criteria, the Trustees first considered the factors that are identified in the DOI regulations as those that should be considered in the evaluation and selection of preferred alternatives (Section 3.1). With these factors as a guide, the Trustees developed eligibility criteria to determine if projects met minimum standards for acceptability (Section 3.2). Projects that met these eligibility criteria were then evaluated against the project evaluation criteria (Section 3.3), using a qualitative assessment of project strengths for each criterion. These qualitative assessments are provided in the project descriptions presented in Section 4.

### **3.1 Factors Identified for Consideration under the DOI Regulations**

The DOI regulations identify the following factors to be considered in the evaluation and selection of preferred alternatives (43 CFR 11.82):

- ▶ Technical feasibility
- ▶ The relationship of the expected costs of the proposed actions to the expected benefits from the restoration, rehabilitation, replacement, and/or acquisition of equivalent resources
- ▶ Cost-effectiveness
- ▶ The results of any actual or planned response actions
- ▶ Potential for additional injury resulting from the proposed actions, including long-term and indirect impacts, to the injured resources or other resources
- ▶ The natural recovery period
- ▶ Ability of the resources to recover with or without alternative actions
- ▶ Potential effects of the action on human health and safety
- ▶ Consistency with relevant federal, state, and tribal policies
- ▶ Compliance with applicable federal, state, and tribal laws.

The Nyanza Trustee Council incorporated the 10 factors described above into its Eligibility and Evaluation Criteria. The Nyanza Trustee Council is solely responsible for determining whether proposed restoration project ideas met these criteria.

### 3.2 Eligibility Criteria Developed by the Trustee Council

Projects must meet the following Eligibility Criteria in order to be further considered and evaluated by the Trustees using the Evaluation Criteria. If any project does not meet the Eligibility Criteria, it will not be given further consideration by the Trustees. A project's demonstrated consistency with the Eligibility Criteria does not guarantee that it will be funded, but merely establishes that the Trustees may further consider the project for possible funding. Conversely, rejection of a proposed project based on these criteria means that the Trustees will not allocate NRD funds for that project, even though the proposed project may yield a restoration benefit to injured natural resources.

The project eligibility criteria<sup>1</sup> are as follows:

1. A proposed project will not be considered eligible for Trustee consideration unless it:
  - Demonstrates significant nexus to the restoration, rehabilitation, replacement, and/or acquisition of the equivalent of natural resources or, if natural resource restoration is not possible or feasible, restoration of natural resource services that were injured by the release of mercury or other hazardous substances from the Nyanza Federal Superfund Site
2. A proposed project will not be considered eligible for Trustee consideration if it:
  - In terms of cost, limits the ability of Trustees to expend funds in a manner that accomplishes Trustee restoration goals and/or limits the Trustees' ability to serve a wide geographic area that benefits the restoration priority categories
  - Is not protective of health or safety or is prohibited by federal, state, or local law, regulation, or policy
  - Is subject to an independent, prior obligation to perform the project pursuant to statute, regulation, ordinance, consent decree, judgment, court order, permit condition or contract, or if it is otherwise required by federal, state, or local law, including but not limited to enforcement actions
  - Is inconsistent with or will be undone or negatively impacted by EPA's future remediation work, or will interfere with any ongoing or anticipated remedial actions in the Sudbury River Watershed.

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1. The project eligibility criteria presented here are modified slightly from the version that was provided to the public during the solicitation of project ideas. The modification to the first eligibility criterion clarifies the intent of the Trustees regarding project nexus. The modification to the second criterion clarifies the intent of the Trustees regarding the need to be protective of health and safety and in compliance with appropriate laws, regulations, and policies.

### 3.3 Evaluation Criteria

The following Evaluation Criteria were applied by the Trustees to prioritize eligible restoration projects through a qualitative assessment of their value and feasibility.<sup>2</sup>

#### High importance (10 criteria)

##### *Focus criteria*

1. Priority will be given to projects within the geographic location of the impacted environment or projects that benefit the resources within that environment. Restoration projects shall be located within or adjacent to the Sudbury River mainstem, within the Sudbury River Watershed, or outside the Sudbury River Watershed, but have a positive impact on the injured natural resources or their services that are located within, utilize, or historically utilized the Sudbury River Watershed.
2. Relationship to injured resources (nexus): Projects that restore, rehabilitate, replace, enhance, or acquire the equivalent of the same or similar resources or services injured are preferred to projects that benefit other comparable resources or services. Consider the types of resources or services injured at the location, and the connection or nexus of project benefits to the injured resources.

##### *Benefit criteria: Ecological*

3. Magnitude of benefits: Project addresses a demonstrated need and maximizes the level of restoration, rehabilitation, and/or acquisition of the natural resources equivalent to those that were injured. For example, ecological benefits could be measured in terms of an increase to fish, wildlife, or rare species populations; an increase in native or rare plants in the Sudbury River environment; or an increase in prey species provided for a predator species or the number of acres of habitat to be restored, enhanced, or protected.

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2. The eligibility criteria have been modified since the version presented to the public during the solicitation of project ideas to increase consistency with other DOI natural resource damage assessment RPs. In particular, “generation of measurable results” was moved from the list of medium importance criteria to the list of high importance criteria, and “stewardship” was moved from the list of high importance criteria to the list of medium importance criteria. “Protection of project” was removed from the list of supplemental criteria because the degree of project protection is already taken into account in the Trustee assessment of project benefits. “Benefit documentation” also was removed from the list of supplemental criteria because all entities receiving funding will be required to monitor results and document benefits.

4. Natural recovery: Project will clearly provide restoration benefits to injured natural resources or services more quickly than the “natural recovery period.” The natural recovery period is the length of time it would take for the injured resource or service to recover to an optimal condition in the absence of human intervention.
5. Sustainability of benefits: Project will result in long-term, self-sustaining, and comprehensive benefits to injured natural resources and the services they provide. Project will require only periodic maintenance or management that represents a relatively small investment to provide continuing benefits.

***Implementation criteria: Feasibility***

6. Technical/technological: Project will employ well-known and accepted techniques to achieve stated ecological, engineering, economic, and social objectives. Likelihood of success in proposed project location and expected return of resources and resource services is high.
7. Reasonableness of costs: A project’s costs are commensurate with the benefits it provides to injured natural resources or services.

***Implementation criteria: Effectiveness***

8. Implementation-oriented: Project has a high ratio of Nyanza NRD funding dedicated to implementation (e.g., on-the-ground habitat restoration, rehabilitation, replacement, or land acquisition) compared to general program support and operation.
9. Leveraging of additional resources: Project demonstrates a strong commitment by partners representing a broad range of community and other interests to provide matching funds and in-kind services and to involve volunteers. This leveraging of non-Nyanza NRD resources is preferred because it extends the availability of restoration funds and increases the resource benefits provided by the funds.
10. Generation of measurable results: Project delivers tangible and specific ecological, economic, social, or human use results that are identifiable and measurable, or that may be evaluated using quantitative or professionally accepted methods, so that changes to the Sudbury River Watershed can be documented and evaluated.

**Medium importance (6 criteria)*****Benefit criteria: Ecological***

1. Multiple benefits: Project will provide benefits to the greatest number of species, natural resource types, and services.
2. Avoidance of adverse impacts: Project has little or no potential for adverse environmental impacts, or modifications to the project would considerably decrease benefits to injured natural resources and/or services. Adverse environmental impacts can be short- or long-term, direct or indirect, and include those affecting resources that are not the focus of the project.

***Benefit criteria: Socioeconomic***

3. Community goals: Project complements one or more community goals, needs, or recommendations as expressed in existing plans that incorporated public input and involvement in their development.
4. Avoidance of adverse impacts: Project has little to no potential for adverse socioeconomic impacts, or modifications to project would considerably decrease benefits to injured natural resources and/or services. Adverse socioeconomic impacts can be short- or long-term, direct or indirect, and include those affecting resources that are not the focus of the project.
5. Stewardship and public education: Project will result in an “informed citizenry” that will help ensure ongoing environmental stewardship of restored natural resources and their services. Project provides a critical foundation for public involvement in ongoing and future restoration activities in the Sudbury River Watershed. Project provides increased opportunities for public use, appreciation, and enjoyment of natural resources in the Sudbury River Watershed.

***Implementation criteria: Feasibility***

6. Level of difficulty: Obstacles that may be faced for project implementation (e.g., coordination with multiple outside parties, regulatory permits required, complex design and engineering, and public support) will not interfere with the likelihood of success.

### Supplemental criteria (3 criteria)

The following criteria should be considered as appropriate:

1. Pilot projects: Project employs innovative approaches and techniques but includes clear performance criteria, measurable endpoints, and a monitoring and contingency plan appropriate to the project.
2. Enhancement of remediation/response actions: Project clearly complements and enhances completed, ongoing, or planned remediation or response actions by concurrently or subsequently implementing restoration projects.
3. Coordination and integration: Project is clearly coordinated and integrated with other ongoing or planned restoration activities that enable synergistic benefits to injured natural resources and their services.

## 4. Restoration Alternatives

The Trustees considered a broad set of potential restoration alternatives for this RP/EA, including a “no-action” or “natural recovery” alternative. The proposed alternative identified by the Trustees is a suite of restoration projects that cumulatively aim to compensate for injuries to natural resources at the Site.

During the public meetings, the Trustees outlined a range of administrative mechanisms that can be used to implement restoration projects. These include competitive procurement through Requests for Responses (RFRs), intergovernmental agreements, directed grants such as cooperative agreements, and use of existing statewide or nationwide contracts. These administrative mechanisms are described further in Section 4.2.

This section describes the no-action alternative (Section 4.1) and the proposed alternative (Section 4.2), presents detailed descriptions of each of the preferred projects included in the proposed alternative (Sections 4.3–4.5), and describes restoration alternatives that were considered but not recommended for funding (Section 4.6). Descriptions of the restoration projects included in the proposed alternative include an overview of the environmental and socioeconomic consequences associated with individual projects. A broader discussion of potential impacts, including cumulative impacts from implementing the full suite of restoration projects, can be found in Section 5.

## 4.1 No-Action/Natural Recovery Alternative

A no-action alternative is required to be considered under NEPA [40 CFR § 1502.14(d)]. The selection of this alternative by the Trustees would mean that no actions would be taken by the Trustees to restore injured natural resources, that existing natural resource losses would continue to occur, and that the public would not receive compensation for losses that occurred in the past or are ongoing. This alternative may be used as a benchmark to evaluate the comparative benefit of other actions. Because no action is taken, this alternative also has no cost. This alternative also provides no economic benefits to the population in Ashland, the SuAsCo Watershed, and surrounding areas.

## 4.2 Summary of Proposed Alternative

The proposed alternative<sup>3</sup> is the alternative that the Trustees believe would best compensate the public for injuries to natural resources resulting from releases of hazardous substances at the Site. This alternative consists of a suite of projects that benefit each of the major categories of injured natural resources.

The Trustees evaluated each of the 51 proposed project ideas (see Appendix C) against the Eligibility Criteria to determine if the project met minimum standards for eligibility. Projects that did not meet these standards were not evaluated further. Projects that met the Eligibility Criteria then were evaluated against the project Evaluation Criteria, using a qualitative assessment of project strengths and weaknesses. Projects that best met the Evaluation Criteria were included in the proposed alternative. Projects that were not included in the proposed alternative are described in Section 4.6, together with an explanation for why the projects were not selected for funding.

The Trustees have grouped preferred projects into two funding tiers. Projects that best met the Evaluation Criteria were placed into Tier 1 for funding. Projects in Tier 1 will have top priority for funding; the Trustees have sufficient funding available to fund all Tier 1 projects. The Trustees acknowledge, however, that uncertainties remain for certain Tier 1 projects, especially those that require landowner approval (which is still pending). Thus, the Trustees may have funding remaining after Tier 1 projects are completed. The priorities for funding within Tier 2 will be decided by the Trustees based, in part, on the outcomes of Tier 1 projects and Trustee judgments regarding what actions are most necessary to compensate for the full suite of natural resource injuries. Thus, not every Tier 2 project is guaranteed funding. Some projects may receive initial funding in Tier 1 and additional funding under Tier 2, if funding levels permit. The Trustees may choose to wait to fund some or all of the Tier 2 projects until they have greater certainty regarding costs in Tier 1.

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3. Under NEPA, the proposed alternative is equivalent to the proposed action.

During the process of project evaluation, the Trustees identified some opportunities to modify the project ideas that had been submitted by government agencies and the public (see Appendix C). For example, in some cases, the Trustees decided that only one or some of the elements of the submitted project best met the evaluation criteria and should be recommended for funding. In other cases, the Trustees combined elements from several project proposals to create a new project that would best meet the Trustee criteria and compensate for the losses caused by releases of hazardous substances at the Site.

A summary of projects that were selected for inclusion in the proposed alternative is provided in Table 2. The table provides each project's name, the project category to which it belongs, the proposed Tier 1 and Tier 2 allocations from the NRD settlement, the proposed method for project implementation, and the project number as listed in Appendix C. Figure 3 provides a map of restoration project locations for projects in the proposed alternative.

The Trustees expect to use a variety of different mechanisms for project implementation – selecting the mechanism most appropriate for each project. The following mechanisms are proposed:

- ▶ Cooperative agreement that would be executed between a federal agency and the designated implementing partner. The four projects proposed for this funding mechanism are those that in the judgment of the Trustees can only be successfully completed by the entity already associated with the project. For example, the aquatic weed control project, as described in the RP/EA, requires the leadership of the SuAsCo CISMA for implementation.
- ▶ RFR issued by a state agency. Three projects are proposed for this funding mechanism. An RFR is a competitive process that is open to all qualified bidders. The Trustees will establish selection criteria for evaluating all proposals that are submitted in response to the RFR.
- ▶ Professional services contract managed by state or federal agency. One project is proposed for this funding mechanism. The Trustees will follow the standard procurement processes that agencies use to obtain professional consulting or engineering services.
- ▶ Interagency service agreement executed by a state agency. One project is proposed for this funding mechanism. This agreement will allow a transfer of funds within the Commonwealth of Massachusetts to the Office of Fishing and Boating Access (OFBA) that will implement the Sudbury River Public Access: Aikens Road project.
- ▶ Transfer of funds within USFWS to Great Meadows NWR. Two projects will be undertaken by the Great Meadows NWR. The funding for these projects will be transferred within the USFWS.

**Table 2. Summary of projects in the proposed alternative**

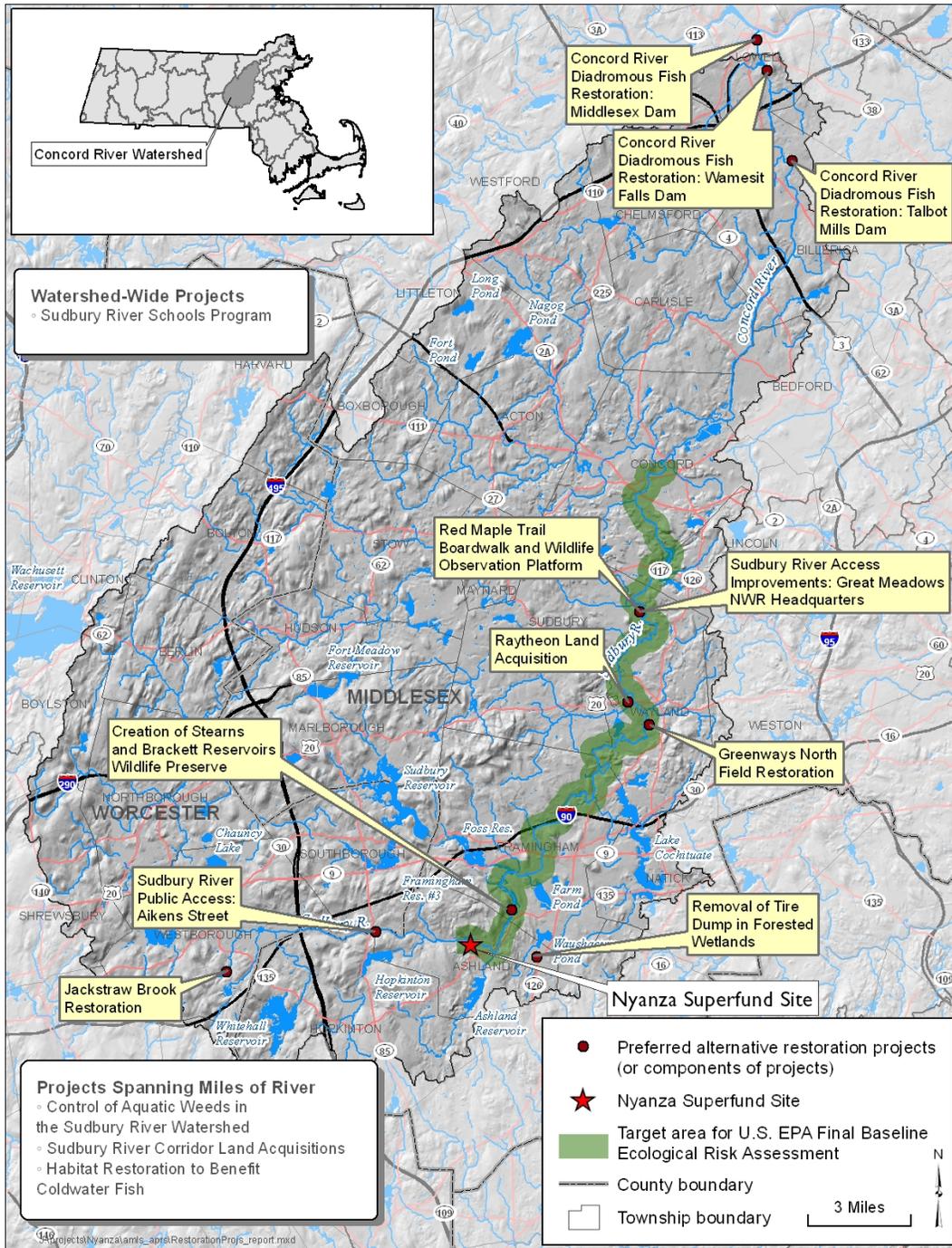
<b>Project name</b>	<b>Proposed funding allocation – Tier 1</b>	<b>Proposed funding allocation – Tier 2</b>	<b>Implementation mechanism</b>	<b>Project number from Appendix C</b>
<b>Category: Aquatic biological resources and their supporting habitats and food sources</b>				
Removal of Tire Dump in Forested Wetlands (Ashland)	\$0 (project was completed by another entity)		Implementation already completed	Project #15.
Control of Aquatic Weeds in the Sudbury River Watershed	\$1,098,000 (in Sudbury River mainstem)	\$395,000 (Concord and Assabet rivers water chestnut control)	Cooperative agreement executed by federal agency; directed to SuAsCo CISMA	Combines elements of Projects #22, #23, #25, #26, #27, #32, and #34. Project #24 proposed for Tier 2 funding.
Habitat Restoration to Benefit Coldwater Fish	\$300,000		RFR issued by state agency (competitive process open to all)	Incorporates Project #9 as a potential location and elements of Project #13.
Concord River Diadromous Fish Restoration: Feasibility and Stewardship	\$425,000 <sup>a</sup>		(1) RFR issued by state agency for feasibility study (competitive process open to all), and (2) cooperative agreement executed by federal agency; directed to Lowell Parks & Conservation Trust for volunteer-based monitoring	Project #40 and also incorporates elements of Project #39.
Sudbury River Schools Program	\$90,000	\$30,000	Cooperative agreement executed by federal agency; directed to MassAudubon	Incorporates elements from Project #5.
<b>Total for aquatic biological resources</b>	<b>\$1,913,000</b>	<b>\$425,000</b>		

**Table 2. Summary of projects in the proposed alternative (cont.)**

<b>Project name</b>	<b>Proposed funding allocation – Tier 1</b>	<b>Proposed funding allocation – Tier 2</b>	<b>Implementation mechanism</b>	<b>Project number from Appendix C</b>
<b>Category: Riparian and floodplain biological resources and their supporting habitats and food sources</b>				
Greenways North Field Restoration	\$34,000		Cooperative agreement executed by federal agency; directed to Sudbury Valley Trustees	Incorporates the field restoration component of Project #12.
Neotropical Connections (Belize)	\$75,000		Cooperative agreement executed by federal agency; directed to BFREE	Project #38.
Sudbury River Corridor Land Acquisitions	\$720,000	\$700,000	RFR issued by state agency (competitive process open to all)	Incorporates Projects #35, #36, and #37 as potential locations.
Creation of Stearns and Brackett Reservoirs Wildlife Preserve	\$540,000		RFR issued by state agency (competitive process open to all)	Includes elements of Projects #3, #7, #14, and #45 (Canoe Launch at Fountain Street).
<b>Total for riparian and floodplain biological resources</b>	<b>\$1,369,000</b>	<b>\$700,000</b>		
<b>Category: Recreation and public access</b>				
Sudbury River Public Access: Aikens Road	\$145,000		Interagency Service Agreement executed by state agency	Moves proposed elements from Project #45 (Canoe Launch at Fountain Street) to an additional location.
Sudbury River Access Improvements: Great Meadows NWR Headquarters	\$7,000		Transfer of funds within USFWS to Great Meadows NWR	Project #51.
Red Maple Trail: Boardwalk and Wildlife Observation Platform Construction	\$161,000		Transfer of funds within USFWS to Great Meadows NWR	Project #47.
<b>Total for recreation and public access</b>	<b>\$313,000</b>	<b>\$0</b>		
<b>Total for all categories</b>	<b>\$3,595,000</b>	<b>\$1,125,000</b>		

BFREE: Belize Foundation for Research and Environmental Education; CISMA: Cooperative Invasive Species Management Area; MassAudubon: Massachusetts Audubon Society.

a. For the Concord River Diadromous Fish Restoration Project, the estimated cost for the planning/feasibility stage is \$240,000, and the estimated contribution of the Trustees toward potential implementation (including engineering and permitting) is \$185,000. This contribution would cover a portion of implementation with additional funding required from other sources.



**Figure 3. Locations of proposed restoration projects in the proposed alternative.** Note that the Neotropical Connections project in Belize is not displayed on this map. The EPA Final BERA focused on the stretch of river highlighted in green because of the mercury levels in that area.

The remainder of this section consists of descriptions of each of the projects in the proposed alternative, divided into resource categories. For each project, a “logic model” is provided that briefly describes the key restoration action of a project, the expected short-term result from the proposed restoration action, and the pathway or process that will lead to the desired long-term results. In addition, each project description provides a brief overview of expected maintenance and monitoring requirements for the project so that the Trustees can determine if the desired benefits are being achieved and take corrective actions (“adaptive management”) if necessary. Following the proposed alternative, a description is provided of the projects that were not recommended for funding.

### **4.3 Proposed Alternative – Aquatic Biological Resources and their Supporting Habitats and Food Sources**

The Nyanza NRD Trustee Council proposes to provide a total of \$1,913,000 in Tier 1 funding and \$425,000 in Tier 2 funding (if available) to five projects in the restoration priority category of Aquatic Biological Resources and their Supporting Habitats and Food Sources. Collectively, these projects will restore freshwater wetlands, aquatic and riparian habitats, coldwater fisheries, diadromous (migratory) fisheries, and promote improved environmental stewardship of waterways. These projects will directly restore injured natural resources and will also provide enhanced ecosystem services to compensate for losses caused by the release of mercury and other contaminants from the Site.

#### **4.3.1 Removal of Tire Dump in Forested Wetlands**

This project was identified by the Trustee Council during site visits and selected as a preferred project. Subsequently, beginning in April 2010, the Central Massachusetts Mosquito Control Project (CMMCP) worked with the Town of Ashland to move tires from the site to avoid the potential health hazard of mosquitoes breeding in the tires and spreading disease. Before removal, during removal, and post-removal photographs of the site are provided in Figure 4. Because the CMMCP already has carried out the key activities proposed for this project, the Trustees have no longer included funding for this project in the RP. This project description (written before the project was carried out) is retained here in acknowledgment of the Trustee Council’s role in bringing attention to this site.

**Restoration objective:** To restore ecological functions provided by a forested wetland in Ashland by removing illegally dumped tires, asphalt shingles, and metal waste from a forested wetland. Removal of the tires and other illegally dumped materials will also discourage additional dumping and eliminate artificial mosquito breeding habitat. See Figure 5 for the project logic model.



**Figure 4. Tire dump in forested wetland before, during, and after tires were removed.**

Photo credit: Town of Ashland.

**Figure 5. Removal of Tire Dump in Forested Wetlands – logic model**

Restoration actions	Expected short-term result	How benefits are achieved	Desired long-term results
Remove tires and waste from forested wetland.	Wetland is free from waste; mosquito breeding is curbed.	Removal of waste opens up habitat for wildlife; mosquito breeding is reduced.	Wetland has mature vegetation; wildlife habitat is created; wetland functions and water quality are protected.

**Project location:** Adjacent to 49 Pond Street (Route 126) in Ashland. See Figure 3 for location.

**Project description:** Tires and other waste debris have been dumped illegally in a forested wetland located on a property abutting conservation land managed by the Sudbury Valley Trustees and within a complex of lands owned by the Town of Ashland and private trusts. These tires and waste debris degrade wildlife habitat, impede vegetation growth, artificially promote mosquito breeding, and potentially pose a long-term threat to drinking water supplies. This project would consist of removal of the tires and other waste debris for off-site recycling or disposal.

**Site description and history:** The site consists of an upland area of approximately two acres, surrounded by wetlands that are a tributary to the Sudbury River via Washakum Pond. The majority of the site is wooded with young tree growth. Dumped tires are scattered throughout the site but are generally concentrated in four areas, encompassing a total of approximately 0.3 acres of wetlands. Many of the tires are visible above or partially above the surface of the water. The number of tires that are currently in the forested wetland is unknown but is estimated to be at least several hundred. Dumped asphalt shingles are located in one area of the site, with an estimated volume of 80 to 100 cubic yards. Other items that were observed in the dumping area include a rusted, empty 55-gallon drum; several empty pails; a dishwasher; and the frame and other parts of at least one car.

The Town of Ashland Conservation Agent reports that a potential source of the dumping, a vehicle filling station and maintenance garage that was located on Route 126, closed years ago. A tire recycling specialist (J.P. Routhier & Sons, Inc.) noted that all the tires were bias ply tires of makes that were discontinued at least 20 to 30 years ago, with no newer tires observed. The dump has been abandoned for at least 20–30 years and there is no responsible party available to conduct the cleanup.

**Expected benefits and timeframe of benefits:** Benefits would include removal of an illegal dumping site, improvement of wildlife habitat, and reduction in the potential for mosquito breeding. The benefits of removing artificial mosquito breeding habitat and improving degraded wildlife habitat will begin to be realized as soon as the project is completed. Full benefits would only be achieved once native vegetation and leaf litter are reestablished in the impacted areas.

**Environmental and socioeconomic consequences:** Environmental consequences are anticipated to be minor during construction, including temporary disturbance of wetland habitat. The long-term environmental consequences are anticipated to be a net benefit after the tires and waste are removed from the wetland and the wetland can recover naturally.

**Trustee evaluation and proposed allocation:** This project originally was intended by the Trustees to be a Tier 1 project with \$89,000 coming from the NRD settlement; however, this funding is no longer needed because the tires were removed from the site by the CMMCP. The

Trustees evaluated this project favorably (Table 3) because it benefits forested wetland habitat in Ashland, in close proximity to the Site. The benefits will restore injured resources similar to those impacted by the releases of hazardous substances at the Site. The Trustees also ranked this project high because it will quickly result in a resource improvement for the wetland (as soon as the dump is removed), it will help with mosquito control, and the parcel is contiguous with other areas of protected land.

**Table 3. Evaluation of Removal of Tire Dump in Forested Wetlands project versus the Trustee criteria.** Numbers in parentheses refer to the numbered list of criteria provided in Section 3.3. This table only includes criteria where the project was evaluated as particularly strong compared to other projects.

<b>High importance criteria</b>	<b>Evaluation strengths</b>
Proximity to injured resources (1)	Located within the Sudbury River Watershed in the Town of Ashland near the Site. Thus, this project is in close proximity to injured resources.
Relationship to injured resources (2)	Restores resources (freshwater wetland) equivalent to those that were injured.
Magnitude of benefits and demonstrated need (3)	Addresses a long-standing demonstrated need for cleanup in the wetland.
Technical/technological feasibility (6)	Employs well-known and accepted techniques to achieve ecological objectives. Removal of the tires and other material is easily accomplished in a short time period.
Implementation-oriented (8)	Project is dedicated to on-the-ground habitat restoration.
<b>Medium importance criteria</b>	
Avoidance of adverse impacts – ecological (2) and socioeconomic (4)	Has little to no potential for long-term adverse environmental or socioeconomic impacts. Potential impacts from equipment will be mitigated with best management practices (BMPs) and revegetation of any impacted areas.
Stewardship and public education (socioeconomic benefit) (5)	Provides an opportunity for continued stewardship through partnership with the Sudbury Valley Trustees who own an abutting parcel.

#### 4.3.2 Control of Aquatic Weeds in the Sudbury River Watershed

**Restoration objective:** To improve ecological function and water quality in the Sudbury River and adjacent waterways and wetlands by controlling purple loosestrife (*Lythrum salicaria*), an invasive species in wetlands, and water chestnut (*Trapa natans*), an aquatic invasive species that covers the water surface. Additionally, to improve habitat values for waterfowl and other birds and wildlife by restoring native wild rice (*Zizania aquatica*) populations to river reaches in the Great Meadows NWR where invasive species are controlled. See Figure 6 for the project logic model.

**Figure 6. Control of Aquatic Weeds in the Sudbury River Watershed – logic model**

Restoration actions	Expected short-term result	Pathway/ process	Desired long-term results
Biological control of purple loosestrife with <i>Galerucella</i> beetles; mechanical control of water chestnut. Seed native wild rice into sedge meadow habitat following control of invasive species.	Purple loosestrife and water chestnut dominance are reduced. Wild rice populations increase.	Decrease in purple loosestrife increases cover of native wetland species; decrease in cover of water chestnut improves water quality, aquatic productivity, and recreation. Increase in wild rice population provides additional food resources for birds and wildlife.	Wetlands along the Sudbury River dominated by native vegetation; water chestnut kept at a minimal level that does not result in negative ecological or water quality impacts. Wild rice populations are sustained and waterfowl and other birds and wildlife benefits.

**Project location:** Twenty miles of riverine wetlands from along the Sudbury River from Ashland to Concord for purple loosestrife control. Multiple locations along the Sudbury River, including Heard Pond, Fairhaven Bay, the Sudbury River itself between Route 117 and Route 20, and Carding Mill Pond for water chestnut control.

**Project description:** Purple loosestrife and water chestnut are invasive species that both pose significant threats to the ecological integrity of the SuAsCo Watershed. Purple loosestrife is present in riverine and freshwater wetlands from the headwaters of the Sudbury and Assabet rivers to and along much of the Concord River. Purple loosestrife outcompetes native wetland vegetation and provides poor habitat for native wetland birds and wildlife. Water chestnut has been a nuisance in the Sudbury River since the mid-1940s (Countryman, 1970). Water chestnut degrades water quality and productivity in rivers and ponds due to the large amount of water surface that is covered by water chestnuts and the resulting decaying biomass. In addition, recreational access can be extremely restricted when the water chestnuts are in full growth because the tangled mass of water chestnut stems in the water makes it difficult or impossible to paddle a boat, fish, or swim (Figure 7). Water



**Figure 7. Paddlers in area with water chestnut.**

chestnut has also been observed to be “crowding out” native wild rice (*Zizania aquatica*) populations along sections of the Sudbury River. This project would consist of large-scale efforts to reduce the dominance of purple loosestrife and water chestnut in the Sudbury River and adjacent waterways and wetlands.

The SuAsCo Cisma would coordinate this project. The Cisma group consists of 37 project partners (as of January 2012) who have signed a Memorandum of Understanding to work together to control invasive species in the SuAsCo Watershed (Cisma, 2009). By coordinating this project with Cisma, the Trustees can take advantage of the partner cooperation that is already occurring. The Trustees would also coordinate with the MA Natural Heritage and Endangered Species Program that is responsible for the conservation and protection of the population of State Threatened Blanding’s turtle at the Great Meadows NWR.

Because of the large amount of funding that the Trustees would be providing to Cisma, the Trustees would require an oversight role in the actual selection of locations and targets for control. The Trustees also would ensure that work on wild rice restoration, which is included as part of this project, would be coordinated with the Great Meadows NWR and with the MA Natural Heritage and Endangered Species Program. In general, the Trustees’ priorities for invasive species control would follow the approach specified by the MA DCR (M.G.L. Chapter 21: Section 37D). The Trustees also would follow the guidance for controlling aquatic plans in MA EEA (2004). Project priority would be as follows:

First priority shall be projects to manage incipient infestations of aquatic nuisances, second priority shall be projects to prevent or control the further spread of aquatic nuisances, and third priority shall be recurring maintenance projects. In establishing priorities for individual projects, the department shall consider the following: (a) public accessibility and recreational uses; (b) the importance to commercial, agricultural or other interests; (c) the degree of local interest, as manifested by municipal or other contributions to the project; (d) local efforts to control aquatic nuisances; (e) other considerations affecting feasibility, probability of achieving long-term control, necessity or advantage of the proposed work; and (f) the extent to which the control project is a development rather than a maintenance project.

**Purple loosestrife control:** This portion of the project involves a comprehensive approach to control purple loosestrife in riverine wetlands along 20 miles of the Sudbury River. The project would involve mapping the wetlands to determine the location and amount of purple loosestrife infestation along the Sudbury River from Ashland to Concord; coordinating efforts among municipalities and major landowners along the Sudbury River for the project; and purchasing, rearing, and releasing *Galerucella sp.* leaf-eating beetles for biological control. The project would be an intensive three-year effort with the goal of eliminating the dominance of purple

loosestrife along the Sudbury River and allowing native wetland plants that provide food and shelter for wildlife to thrive.

In 1996, the USFWS began the biological control of purple loosestrife through the release of over 200,000 *Galerucella sp.* leaf-eating beetles in Sudbury, Concord, Carlisle, and Maynard. Most of these releases were along the Sudbury and Concord rivers or in wetlands along tributaries of these rivers as well as the Assabet River. Monitoring of beetle-release sites showed that populations have been established in some wetlands along the river, but due to the vast amount of acreage infested with purple loosestrife, the existing population of beetles must be supplemented to speed up and expand the control process. For example, at a site in Walpole, the cover of purple loosestrife was reduced from a starting level of 60% cover in 2000 when beetles were first released to less than 3% cover in 2006 (Massachusetts Office of Coastal Zone Management – Wetlands Restoration Program, 2008). More recent monitoring of the same sites suggests that some re-invasion of purple loosestrife has occurred and the site may benefit from additional beetle releases to maintain the control of purple loosestrife (Georgeann Keer, Massachusetts Division of Ecological Restoration, personal communication, May 11, 2010).

Additionally, the USFWS has willing conservation partners on specific lands adjacent to the Great Meadows NWR, such as the Sudbury Valley Trustees and their Wolbach Farm property in Sudbury and the Greenways Conservation Area in Wayland. The Towns of Southborough, Ashland, Natick, Lincoln, and Concord support biological control of purple loosestrife: the Town of Lincoln has raised and released beetles, and the Town of Ashland proposes to work with their high school environmental club to rear and release beetles. Additionally, the Massachusetts Wetlands Restoration Program<sup>4</sup> provided technical support to the Minuteman Technical High School in Lexington and the Curtis Middle School in Sudbury to raise beetles for release in the watershed.

At the outset of this project, an inventory of the location and extent of purple loosestrife will be conducted and possible beetle release sites will be identified. As beetles have been released at selected sites throughout the watershed in previous years, it is important to document areas where there is already a beetle presence. Biological control of purple loosestrife, which has proven to be very effective elsewhere, requires multiple years of treatment and a recommended coverage of 3,000 to 5,000 beetles per acre per year.

Project monitoring will measure the effectiveness of biological control and will determine if there are conditions that are limiting project success. For example, one hypothesis is that seasonal flooding along the Sudbury River has a negative impact on the overwintering population of beetles, thus reducing project success in subsequent years after beetle release.

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4. The Massachusetts Wetlands Restoration Program is now part of the new Massachusetts Division of Ecological Restoration (MA DER) within the Massachusetts Department of Fish and Game (DFG). See <http://www.mass.gov/dfwele/der/index.htm>.

**Water chestnut control:** This portion of the project involves a three-year effort of mechanical control of water chestnut in Heard Pond, Fairhaven Bay (171 acres), the Sudbury River between Route 117 and Route 20 (approximately two miles of river and adjacent wetlands are infested with water chestnut), and Carding Mill Pond. The project would involve comprehensive mechanical removal for a three-year period with the USFWS' mechanical harvester and an additional harvester that would be purchased for this project, and supplemented by mechanical harvest with hand-pulling efforts by summer labor and volunteers. The overall goal of the project would be to maintain and enhance Heard Pond and the Sudbury River as a vibrant resource for wildlife and for people to engage in fishing and boating. Specifically, the goal would be to virtually eradicate water chestnuts in Heard Pond, which has already been the focus of multiple years of intensive control efforts, and reduce biomass of water chestnuts in the Sudbury River to the point where minimal annual efforts at physical removal (hand-pulling only) can keep the water chestnut controlled. If Tier 2 funding is available and the project is making appropriate progress, then the control period may be extended for an additional two years.

An existing partnership (Town of Concord, Town of Lincoln, Concord Land Conservation Trust, Hop Brook Protection Association, and USFWS) has been working together on water chestnut control since 2001 using mechanical harvesting and hand-pulling. USFWS owns an aquatic weed harvester, conveyor, and trailer. All partners have shared in the maintenance and use of the equipment to harvest water chestnuts. However, there is significantly more acreage infested with water chestnut than can be controlled by one harvester each year, meaning that not all areas can be targeted during the optimal harvest times in July and August. Water quality and productivity in the river and ponds have continued to degrade due to the large amount of water surface that is covered by water chestnuts and the resulting decaying biomass; recreational access can be extremely restricted when water chestnuts are in full growth. For this project, current and additional partners will continue working together in the same areas but will expand their capability under this project to be able to work simultaneously in their respective areas at the optimum time periods to harvest chestnuts. This three-year effort will not eradicate water chestnuts from the Sudbury River, since the seeds are viable for up to 12 years. However, after this project period, control of water chestnuts will require much less effort.

At the outset of this project, CISMA would coordinate a comprehensive assessment of water chestnut infestation in the Sudbury, Assabet, and Concord rivers and 130 acres of ponds in the Hop Brook Watershed. Locations would be marked by a global positioning system (GPS), including estimates of patch sizes and patch density. A map of outbreaks would be produced and distributed to partners.

In Heard Pond, the goal of this project is to complete ongoing efforts to control water chestnut in Heard Pond and prevent Heard Pond from serving as a source of water chestnut reseeding into the Sudbury River. A contractor will conduct mechanical and physical controls within the pond.

In the Sudbury River, this project will greatly expand efforts to control water chestnut, with a goal of increasing removal of water chestnut biomass by 150% per year over the next three years. Project funding would initially support three years of mechanical effort, including removal by aquatic weed harvesters and physical removal by hand-pulling. If possible, the water chestnuts would be composted and made available to farmers to use as fertilizer. Specifically, project funding would support (1) purchase of additional mechanical harvesting equipment (harvester, conveyor, trailer, hydro-rake), (2) purchase of up to 20 kayaks and canoes outfitted with bins for volunteers or summer staff (high school and college students) to collect water chestnuts and carts to move these boats, (3) funding for a 10-person crew working 40 hours per week for eight weeks during the summer, and (4) coordination of control efforts, pre- and post-monitoring, and report writing. The Trustees propose to fund three years of effort with Tier 1 funding.

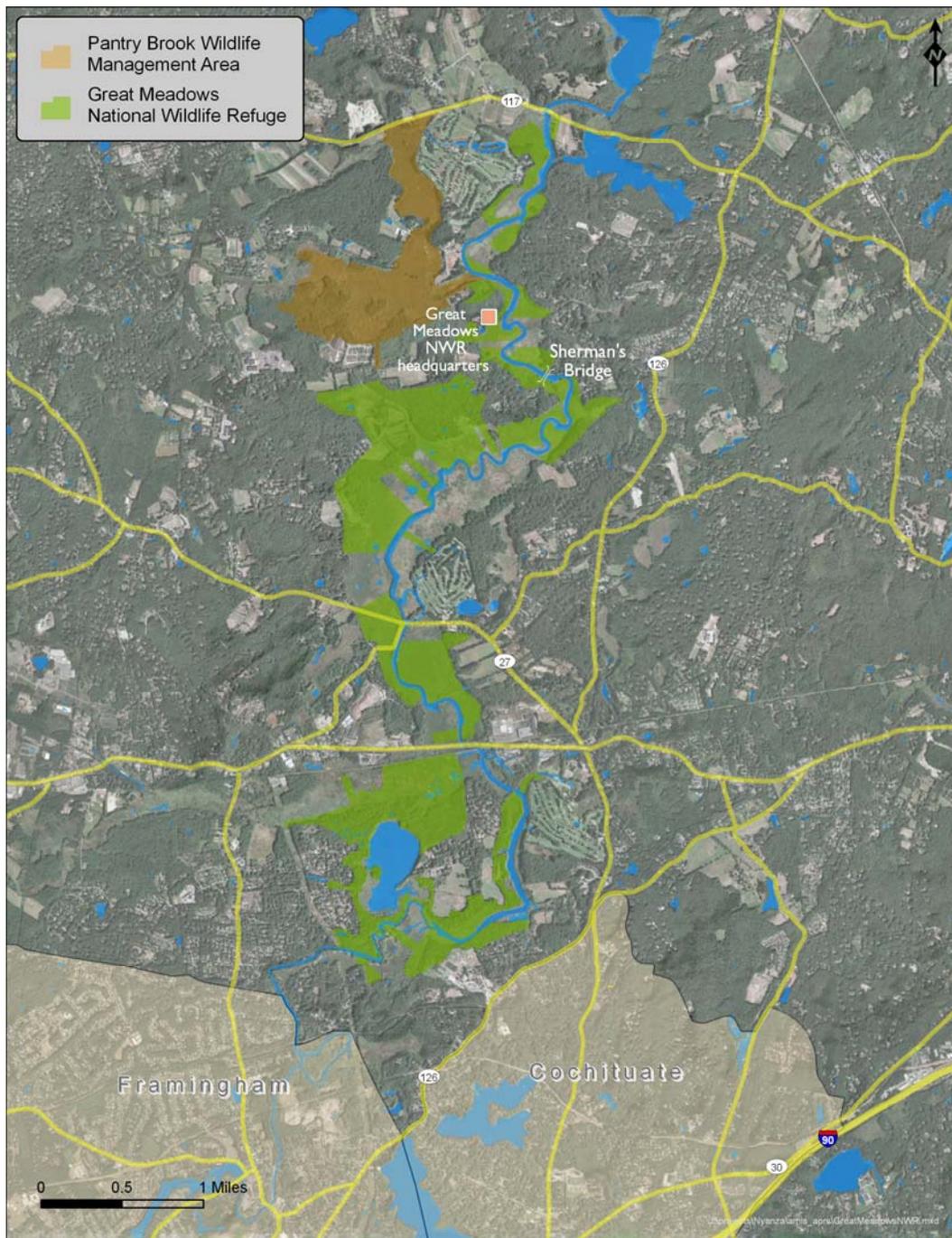
If Tier 2 funding is available for this project, additional efforts would be made to continue to fund the water chestnut control for two additional years and also to control water chestnut in the Assabet River and the Concord River. A contractor would control water chestnuts in 10 locations on the Concord River. In the Assabet River, where the infestation is less severe, volunteers would control water chestnut with hand-pulling, supported by the purchase of five additional kayaks and carriers.

**Restoration of wild rice:** This portion of the project will be led by the Massachusetts Division of Fisheries and Wildlife (MassWildlife) in coordination with CISMA, with the goal of restoring native wild rice (*Zizania aquatica*) populations (Figure 8) to river reaches following invasive species control (Figure 9). Wild rice is an important food source for migratory waterfowl and other birds in the watershed and there are remnant populations along the Sudbury River. Declines in wild rice beds have been observed by MassWildlife biologists; factors contributing to this decline may include water quality, boat wakes, and invasive plant species such as purple loosestrife and water chestnut. According to the Atlantic Coast Joint Venture's Waterfowl Management Plan, "Invasive plant species, especially water chestnut chokes long stretches of both the Sudbury and Assabet rivers, crowding out what used to be beds of wild rice" (ACJV, 2005).



**Figure 8. Wild rice along the Sudbury River.**

Photo credit: Ron McAdow, Executive Director, Sudbury Valley Trustees.



**Figure 9. General vicinity for restoration of wild rice portion of Control of Aquatic Weeds in the Sudbury River Watershed project. Note nearby location of the Great Meadows NWR headquarters.**

The initial phase of this portion of the project would involve developing detailed project plans for the wild rice restoration effort. Project planning would likely include surveys of historical information about wild rice populations, surveys and mapping of current wild rice distribution, monitoring and maintaining necessary water levels, purchasing and planting green rice, and assessing planting success. Restoration efforts would be undertaken using an adaptive management framework to determine the methods and conditions that result in the greatest degree of success.

**Expected benefits and timeframe of benefits:** Benefits would include an improvement in native wetland function, water quality, and recreational access in areas that are currently impacted by invasive species. Additional benefits include increasing coordination efforts between groups and agencies, which will improve the likelihood that these partners will coordinate on other invasive species control and resource management issues. Permitting of the project can begin immediately, with mapping and control efforts occurring during the first summer field season after funding is received. Benefits would increase over the three to five years of the project period, as invasive species populations are reduced by greater amounts each year. The Trustees believe that the benefits will last for at least 25 years, because the project partners have the means and motivation to continue to conduct the necessary followup control efforts after this intensive project is completed.

For the wild rice restoration part of this project, the expected benefits would be an increase in wild rice populations along the Sudbury River that would provide an important food source for a wide variety of birds and wildlife, including waterfowl, blackbirds, mice, muskrat, and deer (McMenemy, 1990). The Atlantic Coast Joint Venture has identified the SuAsCo Watershed as a waterfowl focus area for Massachusetts that “has some of the most productive waterfowl habitat in the state. Although Black Duck production has declined with urbanization, Wood Duck, Mallard, and Canada Goose are plentiful. Both the Great Meadows NWR and the state’s Pantry Brook WMA are located in this region” (ACJV, 2005). Thus, wild rice restoration can be expected to benefit important waterfowl populations.

As a tall grass that can grow up to 10 feet high and often grows in colonies or extensive stands, wild rice also provides important shelter for birds and wildlife, including roosting and loafing areas for waterfowl and cover for nestlings. Wild rice also can help maintain good water quality by binding loose soils and decreasing wind speeds in shallow wetland areas (Wisconsin Department of Natural Resources, Undated). Benefits would increase over time as the wild rice populations become established. The project would likely reach full benefits approximately five years after the restoration efforts begin. This project will be sequenced with the invasive species control efforts and will begin after any necessary invasive species control efforts have occurred. Because wild rice is a perennial plant, benefits should persist for at least 25 years if wild rice populations are successfully established.

**Brief overview of maintenance and monitoring:** Annual implementation monitoring would be conducted until the project is complete. This monitoring would confirm that project permitting and implementation activities are proceeding on schedule and in accordance with project plans. Effectiveness monitoring during the project period would document decreases in the cover of purple loosestrife and water chestnut in the targeted locations. Following the three- to five-year project period, the project partners would be responsible for ongoing maintenance and monitoring activities, which would likely be coordinated through CISMA. Project funding would not support these ongoing efforts.

**Probability of success:** The probability of success of this project will depend on successful coordinated efforts across the whole project area. Because CISMA has already engaged a coordinator with experience in invasive species control efforts, the likelihood of large-scale success for this project is increased. The control efforts undertaken through this effort will complement other aquatic invasive species control efforts in the Commonwealth, including a statutory requirement that the new MA DCR establish and maintain an aquatic nuisance control program (M.G.L. Chap. 21. Sec. 37b). This program, including a strategic plan for control of aquatic invasive species, is outlined in a special report to the legislature that highlights the need for communities to take action to address aquatic invasive species in their jurisdiction (MA DCR, 2006). This project supports these legislative goals and provides funding for activities that would not otherwise occur.

The probability of success for this project also is increased because the control methods being undertaken are well-established and have been successfully employed in the project area and in other locations. Mechanical control efforts of water chestnut in Heard Pond have already resulted in significant decreases in water chestnut biomass over the past five years. Biological control of purple loosestrife also has been successful in other locations. Long-term benefits may be limited if project partners do not follow through on their commitments to ongoing maintenance and monitoring; however, the formation of CISMA will help keep project partners accountable for ongoing control efforts.

The probability of success for the wild rice portion of this project is unknown because a project of this type has not been undertaken before in the Sudbury River. The presence of remnant populations of rice beds in the area, anecdotal observations by MassWildlife personnel that wild rice appears to rebound in areas without a water chestnut problem, the commitment to aquatic weed control in this area, and the success of wild rice restoration in other areas of the country all suggest that this project is feasible.

**Environmental and socioeconomic consequences:** This project will have positive short-term and long-term environmental consequences by removing invasive species that are degrading wetland and aquatic habitats. No chemicals will be used in the control process. *Galerucella* beetles have been widely used for biological control of purple loosestrife and appear to have high

“host-specificity” and do not attack other species. In addition, all volunteers and contractors will follow BMPs to ensure that they do not unintentionally spread propagules (seeds, cuttings, or plant parts) of invasive plants to other locations (MA DFW, Undated; Greenfield et al., 2004).

The use of a mechanical harvester for water chestnut may result in a temporary increase in turbidity from resuspension of detritus and organic materials, while hand harvesting would have limited potential for wide-spread turbidity effects (MA EEA, 2004). The locations where the harvester is used would be coordinated with EPA to minimize the risk of disturbing contaminated sediments in the Sudbury River.

There would be short-term and long-term benefits for restoration of native wild rice along the Sudbury River. Sprouting shoots and ripe grains of this species provide important food for ducks, geese, and other marsh birds (e.g., rails, red-winged blackbirds, song sparrows), as well as muskrats, beaver, and deer. In summer and fall, stands of wild rice provide cover for waterfowl broods and molting adult ducks.

The project will provide a minor socioeconomic benefit by creating summer employment opportunities for high school and/or college students. Long-term socioeconomic benefits are also expected from this project due to increased recreational opportunities in areas where invasive species control improves access to waterways and enhances the recreational experience. There may also be minor positive socioeconomic benefits for recreational users of the river who would likely enjoy the beauty of wild rice.

There is a possibility that widespread control of purple loosestrife may reduce the amount of late-season bee forage and have a negative socioeconomic impact on commercial beekeepers in the watershed. However, native wetland plants can provide replacement forage for bees and the overall negative economic impacts of purple loosestrife invasion are considered to outweigh any economic gains from horticultural or medicinal uses of purple loosestrife (WA Department of Ecology, Undated). Also, purple loosestrife is on the Massachusetts Department of Agricultural Resources “prohibited plant list” and importation, sale, and trade of the plants is banned (MA DAR, 2010), which means that the plant cannot be deliberately introduced or planted to provide bee forage (MA DAR, 2010). Finally, if evidence of impacts to bees is found, CISMA could help mitigate this impact by working with members to promote mowing and management regimes on field sites that benefit late-season bee forage.

**Expected permitting requirements:** Appropriate permits for engaging in work in wetlands and waterways will be required for the proposed project.

**Estimated costs:** The costs for this project were developed based on estimates provided in 2008 and were used as a guide to help formulate the proposed allocation by the Trustees. The actual costs for the project are likely to vary from these estimates. Annual allocations to different

priorities will be made by CISMA in consultation with the Nyanza Trustees; annual assessments and adjustments will be based on the past year's experience and the next year's priorities.

In 2008, control of purple loosestrife for 20 miles of the Sudbury River was estimated to have a cost of \$175,000 per year for three years for beetle rearing and release, for a total of \$525,000. The Trustees have proposed to allocate \$50,000 toward project costs in Heard Pond under the assumption that other sources of matching funds are available to complete the project, which has an estimated total cost of \$68,000. For the Sudbury River, control of water chestnut with volunteers and summer labor was estimated to have a cost of \$269,000 for first-year equipment and mapping costs, and a cost of \$204,000 for three years of labor, supplies, and mobilization costs. The costs for the wild rice portion of this project were estimated at \$50,000. The total estimated cost for these high-priority components of the project was \$1,098,000 based on 2008 estimates.

An additional two years of water chestnut control in the Sudbury River was estimated to have a cost of \$136,000. In the Concord River, water chestnut control by a contractor was estimated to have a cost of \$250,000 for five years of control. In the Assabet River, water chestnut control was estimated to have a cost of \$9,000 for volunteer support. The total estimated cost for these lower-priority components of the project was \$395,000 based on 2008 estimates.

**Trustee evaluation and proposed allocation:** The high-priority components of the project described above are proposed as a Tier 1 project, with a total Tier 1 allocation of \$1,098,000. The lower-priority components of the project, including an additional two years of water chestnut control on the Sudbury River and extending control efforts for water chestnut to the Assabet and Concord rivers, are proposed as a Tier 2 project, with total Tier 2 costs estimated at \$395,000.

The project was evaluated favorably based on the Trustee evaluation criteria (Table 4) because of the large negative impact that invasive species have on water quality, aquatic habitat quality, and recreational access in the Sudbury River and adjacent waterways. In addition, restoration of native wild rice populations will restore a supporting habitat and food source for migratory waterfowl and marsh birds. The need to control invasive species at a large regional scale has been known for many years and was the motivation behind the formation of CISMA. This project takes advantage of the coordination and expertise of CISMA and proposes a large-scale effort that has the potential to make a significant long-term difference in the weed populations. This project also complements the aquatic nuisance control program established by the MA DCR as a statutory requirement. In addition, project partners are providing in-kind and matching support for this project, including support for the CISMA coordinator who will be important for the successful implementation of this project.

**Table 4. Evaluation of Control of Aquatic Weeds in the Sudbury River Watershed versus the Trustee criteria.** Numbers in parentheses refer to the numbered list of criteria provided in Section 3.3. This table only includes criteria where the project was evaluated as particularly strong compared to other projects.

<b>High importance criteria</b>	<b>Evaluation strengths</b>
Proximity to injured resources (1)	Located within the Sudbury River Watershed in areas, such as the Great Meadows NWR, that were injured by releases from the Site.
Relationship to injured resources (2)	Enhances injured resources (freshwater wetland and aquatic habitats) through a significant control effort for invasive species. Restoration of wild rice provides a significant food resource to birds and wildlife.
Magnitude of benefits and demonstrated need (3)	Addresses a demonstrated need and maximizes benefits through focused initiative to control invasive species across a large geographic area that cuts across municipal boundaries. The need to control aquatic weeds to protect and enhance wildlife habitats and species diversity is noted in the Great Meadows NWR Comprehensive Conservation Plan (USFWS, 2005b), the Atlantic Coast Joint Venture Waterfowl Management Plan (ACJV, 2005), and the Sudbury, Assabet, and Concord Wild and Scenic River Study River Conservation Plan (NPS, 1995). The Atlantic Coast Joint Venture Waterfowl Management Plan (ACJV, 2005) also notes invasive species as a threat to beds of wild rice.
Technical/technological feasibility (6)	Employs well-known and accepted techniques to achieve ecological objectives. Galerucella beetles have successfully controlled purple loosestrife and intensive mechanical control can reduce water chestnut significantly.
Leveraging of additional resources (9)	Opportunity to leverage non-NRD resources through in-kind services and cash matches. CISMA will provide significant in-kind support by having the expertise of the coordinator available for this project.
<b>Medium importance criteria</b>	
Community goals (3)	Complements USFWS and town efforts; watershed-wide plans identify control of aquatic invasive species as a priority.
Stewardship and public education (socioeconomic benefit) (5)	Provides an opportunity for continued stewardship and volunteer involvement through CISMA partnerships.

### 4.3.3 Habitat Restoration to Benefit Coldwater Fish

**Restoration objective:** To improve habitat for native coldwater fish in Massachusetts through restoration actions such as reducing erosion, planting appropriate riparian vegetation, and improving in-stream habitat. See Figure 10 for the project logic model.

**Figure 10. Habitat Restoration to Benefit Coldwater Fish – logic model**

Possible restoration actions	Expected short-term result	How benefits are achieved	Desired long-term results
Stabilize stream channel; stabilize and revegetate stream banks; restore streambed complexity.	Reduced stream bank erosion and downcutting; improved habitat complexity.	Siltation is reduced; erosion is reduced; aquatic habitat is improved; vegetation matures over time.	Fish populations are protected; riparian corridor has mature vegetation; stream banks and channel are stabilized; streambeds are improved.

**Project location:** Not determined yet. One possible location is the section of Jackstraw Brook from Warren Street upstream to Bertis Adams Way, with an approximate site center of latitude 42.25°, longitude -71.61°.

**Project description:** This project involves the identification and implementation of habitat restoration actions that would benefit coldwater fish populations in the SuAsCo Watershed. Candidate project locations are coldwater streams that support or historically supported populations of coldwater fisheries, including brook trout, threespine stickleback, and burbot. Streams designated as coldwater fisheries or Outstanding Resource Waters (ORWs) in the Massachusetts Surface Water Quality Standards (314 CMR 4.00) are likely to be good candidates for this project because they already receive a high level of ecological protection through state-level permitting programs. Restoration work that occurs near headwaters is also favored because headwaters restoration projects are likely to have the greatest positive impact on overall stream and habitat quality.

The Trustees have identified one site, Jackstraw Brook in Westborough, as a possible candidate location for this project. Other sites will be considered by the Trustees if restoration actions can be shown to provide benefits for coldwater fish populations. Jackstraw Brook in Westborough is an important tributary to the Cedar Swamp, the first ACEC designated in the Commonwealth. Cedar Swamp is a tributary to the Sudbury River. Jackstraw Brook is listed as an ORW, and MassWildlife and the U.S. Geological Survey (USGS) have identified a population of native brook trout in the brook.

Candidate streams, such as Jackstraw Brook, will be those where riparian vegetation is degraded or absent – compared to the ideal condition of mature, well-developed riparian forest vegetation along their stream banks (Figure 11). This natural vegetation preserves the floodplain, keeping native soils intact and maintaining the streamside land and stream banks. Vegetative buffers help encourage infiltration of rainfall and runoff and provide absorption for high-stream flows, reducing both flooding and drought. The vegetative community of riparian buffers provides

habitat for many species of plants and animals, including obligate riparian species, as well as threatened and endangered (T&E) species. The buffer area provides a living cushion between upland land use and water, protecting water quality, the hydrologic regime of the waterway, and stream structure. The naturally vegetated buffer filters out pollutants, captures sediment, regulates stream water temperature, and processes many contaminants through vegetative uptake. Mature riparian vegetation contributes woody material to the stream system through deadfall, which improves in-stream habitat, reduces stream velocities, and promotes bank and substrate stabilization (Cohen, 1997).

Jackstraw Brook is an example of the degradation to aquatic habitat that can occur when riparian buffers are lost. Residential development has encroached on one reach of Jackstraw Brook stream habitat, resulting in increased flooding and degraded stream habitat. In recent years, several large storms have flooded yards and roads, filled culverts with mud and debris, and threatened to damage residences in the vicinity of Warren Street in Westborough. In addition, upstream from Warren Street, the majority of the land surrounding Jackstraw Brook is landscaped with grass lawns, including locations where lawns are adjacent to the stream bank with little to no riparian buffer (Figure 12).

Because the stream's riparian condition is poor, dredging to address a potential blockage of the culvert below Warren Street contributed to a destabilization of the stream, resulting in active downcutting and erosion that has progressed rapidly. Along several of the impacted stream reaches, the stream's banks are eroding severely. In-stream habitat is poor; the stream is relatively fast-flowing, uniformly shallow, lacks shading, and is downcutting. Restoration of the riparian area is likely to improve habitat impediments in the long-term by improving bank stability, shading the stream, and providing a future source of woody material.



**Figure 11. Example of mature riparian vegetation (location is Bogle Brook in Peterborough, New Hampshire).**

Credit: Emily Hague/Courtesy of the Monadnock Conservancy ([www.MonadnockConservancy.org](http://www.MonadnockConservancy.org)).



**Figure 12. Jackstraw Brook in Westborough, where riparian vegetation has been replaced with grass, resulting in significant bank erosion.**

Improving aquatic and riparian habitats in impacted stream reaches could require one or more restoration measures working in concert. Possible measures include riparian buffer restoration, bank restoration, and grade stabilization. The items described below represent a range of potential measures that could be included as part of the restoration project. The specific measures required will need to be determined through a detailed project planning and permitting phase prior to construction. The design of the final project may include all, or a limited subset of, these measures and will depend on a variety of site-specific factors.

**Grade stabilization:** Stream habitat degradation may include downcutting and loss of bed sediment in the streambed, generally evolving from downstream to upstream. In general, downcutting in a stream results in the deepening of the channel, exposing stream banks to additional erosion and disconnecting the stream from the adjacent riparian habitat. Downcutting also impacts in-stream habitat complexity such as undercut banks, woody habitat, and riparian vegetation. The discharge of sediment also can harm downstream fish habitat. Grade stabilization can prevent further downcutting and erosion. If grade control is required for a project, there are two general types of measures that can be implemented. First, bed control structures can create a stable point on the channel bed that resists erosion by increasing the size of the bed material and reduces the stream's energy grade line. Second, hydraulic control structures can be used to create a drop in water surface to reduce the energy grade in the degrading reach (NRCS, 2007). Caution must be exercised when designing grade control structures because they can inhibit passage of aquatic species under certain conditions.

Currently, for Jackstraw Brook, the Warren Road crossing serves as a hydraulic control structure, fixing the bed of the stream at a defined point and preventing its degradation. It serves as the downstream limit of the degraded reach. The upstream limit of the degraded reach is not currently known, although it is likely to include natural grade control consisting of large-grained materials, roots, and woody debris in the unaffected reach upstream. It is not yet clear if grade stabilization would be necessary for Jackstraw Brook, since there is potential for the stream to have attained a new equilibrium state since dredging at the culvert occurred. Four crossvane-type grade stabilization structures have been included in the cost estimate prepared for this project, although whether grade control is required and, if so, the type of grade control that is most appropriate will be determined during the design phase for the project. Any need for grade stabilization would be coordinated with the proposed construction project planned by the Town of Westborough at the Warren Street crossing for flood control purposes.

**Stream bank stabilization:** Although grade control of a stream works to stabilize a stream in the vertical axis, bank stabilization works to stabilize the stream to reduce its horizontal migration. Numerous restoration techniques are available, with the selected method chosen based on the available land area, the level of impact to the stream that can be tolerated, and the potential damages that could be incurred if the bank's position remains dynamic to some degree. Stabilization typically requires addressing geotechnical stability, followed by protecting the

stabilized slope from erosion and sloughing. Well-implemented bank restoration will increase the stream's roughness, slowing velocities and further promoting stability.

An eroded bank often consists of steep-lying soils. Cutting the bank back to a more stable slope will prevent its continued sloughing. Where little land is available, the soil can be reinforced with cells of geotextile fabric and plantings to form a living retaining wall.

The stabilized slope must then be planted and protected to reduce erosion. Erosion protection along the toe of the bank can be performed to hold soils in place by using stones, woody debris (or combination of the two), and slope stabilization in upslope areas that are less frequently or never flooded. Brush mattresses, engineered logjams, root wads, and other structures absorb more stream energy than riprap armoring and can help recruit sediment and additional woody material, better simulating natural processes. Live stakes and long bundles of live woody vegetation (fascines) created from native shrubs can establish quickly, sending roots into soils and forming trees and shrubs to further stabilize soils, shade the stream, and provide sources of future woody debris to aid in restoring in-stream habitat complexity. Natural coconut coir fiber logs can be used as a short-term measure, preventing erosion until plants can establish and then degrading naturally over time.

Upper portions of a bank that are rarely flooded can be seeded with a combination of native conservation seed mix, bare root, balled in burlap, or containerized plantings and stabilized with biodegradable netting to resist erosion while plants establish.

The specific bank stabilization measures that are appropriate for any particular project would be determined during project investigation and design. For example, Jackstraw Brook would benefit from bank stabilization to prevent continued horizontal migration of the stream and to reduce the discharge of eroded bank soils to downstream areas. Several limited areas of Jackstraw Brook's banks in the affected reach appear to be stabilized with stone and with tree and shrub roots. The banks in these areas may only require limited additional planting where existing vegetation is sparse, which would require temporary removal and replacement of stones. In other portions of the reach, the banks are unvegetated and severely eroding and would require intensive bank treatment, which could include regrading the affected areas to a stable slope, planting them, and installing erosion control measures to protect soils until plants can establish. Specific measures would be selected during the planning and design phase.

**Riparian buffer restoration:** Improving the riparian area is the third component of stream restoration. Although restoration of the riparian buffer minimally affects the short-term stability of the impacted stream reach, in the long-term, it is the most important factor in maintaining the stream system stability and habitat. Improvement of the riparian area restores the functions and values provided by vegetative buffers described earlier in this section.

In what follows, required phases in the restoration process are discussed, with potential work in Jackstraw Brook used as an example.

**Investigation:** During the site investigation phase, wetland resources would be flagged and a resource screening evaluation performed for the impacted area around the stream. A property and topographic survey would be performed for the area. If available, historical stream measurements collected by MA DER would be examined and compared to the new survey data to assess stream stability. The need for additional grade control would be determined in consultation with interested parties and agencies, such as MA DER. Abutting landowners would be contacted to discuss the size of the restoration corridor. Project stakeholders would be consulted for preferred restoration treatment options.

**Preliminary design:** A conceptual design of treatment options would be prepared that would include, as required, grade stabilization, bank stabilization, and riparian buffer restoration measures, showing rough grading, treatment areas, conceptual details, and limits of impact. The concept would be reviewed with property owners, MassWildlife, MA DER, the town or municipality where the stream is located, and other stakeholders for consideration and comment. The design would need to be coordinated with any proposed construction projects that might involve the stream. For example, for Jackstraw Brook, the design would be coordinated with the proposed construction project planned by the Town of Westborough at the Warren Street crossing for flood control.

**Final design:** A final design would be prepared for the project that would incorporate comments on the preliminary design and provide detail adequate for construction, including specifying materials and planting schedules.

**Permitting:** The proposed project first requires landowner permission as well as an agreement to enter into Conservation Restrictions (CRs) on associated properties if the project takes place on private land. Once permission has been obtained, the project likely will require permits from several agencies. The final design would be used for permitting, which is likely to include a Wetlands Protection Act (WPA) Notice of Intent (NOI) to the local town or municipal Conservation Commission for work on inland banks and within a wetland buffer, and an MEPA Environmental Notification Form (ENF) for impacts to inland banks. A 401 Water Quality Certification to the MassDEP would be required for any streams designated as ORWs, and any dredging or filling would require review under this program. The project will also likely require coverage under the U.S. Army Corps of Engineers (USACE) Programmatic General Permit (PGP). Prior to any restoration being implemented, CRs must be executed.

**Construction:** The project would be constructed according to the permitted plans and specifications. Construction administration and periodic observation would be necessary to

ensure proper installation. Receipt of a Water Quality Certification for work in ORWs would require a full-time construction monitor that is approved in advance by the MassDEP.

**Expected benefits and timeframe of benefits:** Once implemented, stream bank and streambed stabilization actions generally will rapidly reduce the discharge of sediment by reducing erosion from the beds and banks of the impacted reach. The reduction in sediment discharge to the brook would reduce deposition in important fish habitat areas and could also reduce the frequency of clogging of any downstream culverts. The goal of riparian plantings is to reduce erosion and decrease sediment in the stream that could smother fish eggs or food resources important for fish.

Several years following construction, riparian vegetation will begin to shade the reach, reducing stream temperatures and further improving habitat conditions. Gradually, roots and deadfall from the riparian area should contribute to the substrate complexity of the restoration reach, improving its habitat quality and promoting increased habitat connectivity in the 20- to 50-year timeframe, although bank protection measures could improve in-stream habitat immediately.

If this project were implemented in Jackstraw Brook, expected benefits include a reduction in erosion and maintenance of the native brook trout population in Jackstraw Brook. From its headwaters until its outlet in Cedar Swamp Pond (1.9 miles), Jackstraw Brook is designated as an “outstanding resource water” (EEA, 2008). This project has the potential to benefit most of Jackstraw Brook because it is occurring near the headwaters.

**Brief overview of maintenance and monitoring:** Immediately following construction, watering of plants will be required to ensure establishment. Periodic monitoring of vegetation will be required in the first few years following construction to ensure that stream banks remain stable and that the plantings are not overtaken by invasive species. Survey of longitudinal profiles and cross-sections should continue occasionally to examine channel geomorphology. Monitoring of stream temperature over time will help determine whether the expected increase in riparian vegetation has decreased stream temperatures.

**Probability of success:** Habitat restoration is being proposed for funding by the Trustees because of its critical importance for protecting coldwater fish populations. Where streams are known to flood, care will need to be taken to ensure that the project can withstand high flows during and following the establishment of vegetation. Following establishment, the project could be impacted by a further destabilizing event, such as additional downcutting of the stream channel, although the improved riparian area would help to reduce these impacts.

For the Jackstraw Brook project, landowners have been contacted regarding their preliminary interest in participating in the project, but landowner agreements have not yet been obtained. Without landowner agreement, the project will not proceed. Assuming landowner agreement and associated CRs are obtained, the short-term probability of success for the project is high, assuming that the project is properly designed and constructed. The largest long-term threat to

the project would be removal of the riparian vegetation by the landowner if the landowner breaks the terms of the CR and the CR is not enforced.

**Environmental and socioeconomic consequences:** The project is intended to provide long-term environmental benefits through improving coldwater fish habitat by actions such as stabilizing a stream and its banks, improving riverine habitat, and restoring the riparian area of the stream. Short-term consequences may occur if erosion and sediment control measures are not properly implemented or fail or if a large storm were to occur before plantings had established. These occurrences could result in increased discharges of sediment to the stream and loss of the investment in the project. These concerns would be addressed during the permitting process, as presented in the project description section.

Manipulation of a riverine system also risks unintended consequences, such as destabilization of an area that is currently stable or overcompensation for degradation that results in aggradation (accumulation of sediment) in the affected reach. These consequences can be avoided by using appropriate designs, monitoring the completed project, and adjusting the project following construction, if necessary, and by minimizing work below the bankfull width of the stream (e.g., portions of the stream's existing bank have already been stabilized with riprap; these areas should be left intact, perhaps with supplemental live stake plantings between stones).

The project has potential socioeconomic consequences by improving native fish habitat, which benefits the broader community. The project may also provide some benefits to the town where the stream is located and neighboring landowners through a potential decrease in peak flood flows by slowing the water velocities through reaches currently impacted by loss of riparian vegetation and erosion, and by stabilizing sediments and bed material that could otherwise decrease pipe capacity. The Jackstraw Brook project would not conflict with the culvert capacity improvements being implemented by the Town of Westborough.

**Estimated costs:** Costs are not yet known because a project location has not been selected. For the Jackstraw Brook project, a general estimate was made of approximately \$90,000 for design, permitting, and construction administration, and \$210,000 for construction. These costs would be refined during the project design phase. The project can proceed in phases, with work focused initially on the areas of highest erosion potential. Cost estimates assume that the work will occur on private or public land with landowner permission; land acquisition will not be a part of this project.

**Trustee evaluation and proposed allocation:** This project is proposed to receive \$300,000 in funding in Tier 1 for project planning and implementation. The Jackstraw Brook project was evaluated favorably based on the Trustee evaluation criteria (Table 5) because of its focus on protecting an intact population of brook trout. Opportunities to benefit coldwater fisheries such as brook trout in the SuAsCo Watershed are limited.

**Table 5. Evaluation of Habitat Restoration to Benefit Coldwater Fish project versus the Trustee criteria.** The potential Jackstraw brook project was used as a specific example to allow the Trustees to evaluate the criteria. Numbers in parentheses refer to the numbered list of criteria provided in Section 3.3. This table only includes criteria where the project was evaluated as particularly strong compared to other projects.

High importance criteria	Evaluation strengths
Proximity to injured resources (1)	Located within a tributary to the Sudbury River Watershed.
Relationship to injured resources (2)	Restores injured resources (freshwater fish). Benefiting native fish, such as brook trout, is a high priority for the Trustees.
Magnitude of benefits and demonstrated need (3)	Addresses a demonstrated need to preserve and enhance coldwater fish habitat. Without this project, the habitat may be lost to ongoing sedimentation.
Leveraging of additional resources (9)	Project could leverage expertise of Partners for Fish and Wildlife Program.
Medium importance criteria	
Community goals (3)	Complements Westborough's infrastructure master plan for the Jackstraw Brook Watershed.
Avoidance of adverse impacts – ecological (2) and socioeconomic (4)	Riparian restoration has little to no potential for adverse environmental or socioeconomic impacts.
Stewardship and public education (socioeconomic benefit) (5)	Provides an opportunity for stewardship and public education through partnerships with local landowners.

#### 4.3.4 Concord River Diadromous Fish Restoration: Feasibility and Stewardship

**Restoration objective:** To assess the potential to restore fish passage at three dams on the Concord River to allow diadromous fish to be restored to 40 miles of their historic habitat in the SuAsCo Watershed. See Figure 13 for the project logic model.

**Figure 13. Concord River Diadromous Fish Restoration: Feasibility and Stewardship – logic model**

Restoration actions	Expected short-term result	How benefits are achieved	Desired long-term results
Assess fish passage conditions and potential for fish passage restoration at three dams on the Concord River.	⇒ Feasibility study provides recommendations for improving fish passage.	⇒ Review of feasibility study results in decision to implement fish passage. (Note that this step may not happen and is contingent on many factors.)	⇒ Diadromous fish passage is restored to the Concord River. Fish are able to travel up to Framingham in the Sudbury River. (Assuming the implementation goes forward.)

**Project location:** The Concord River in North Billerica and Lowell.

**Project description:** Diadromous fish were historically present in the streams and rivers of the SuAsCo Watershed, but their upstream and downstream passage has been obstructed through construction of dams. In 1999, USFWS initiated a multi-year effort on the Concord and Sudbury rivers to restore two species of river herring [blueback herring (*Alosa aestivalis*) and alewife (*Alosa pseudoharengus*)]. The Concord River is the only major tributary of the Merrimack River with a confluence downstream of the Pawtucket Dam in Lowell and it has three dams between its headwaters at the confluence of the Sudbury and Assabet rivers to its mouth at the Merrimack River. Effective passage at all three dams on the Concord River would provide access to 12.5 miles of the Concord River, 9.0 miles of the Assabet River, and 17.5 miles of the Sudbury River before the next upstream dams. Two of these dams are located in Lowell and the third is located upstream in North Billerica. Restoring and enhancing fish passage at these dams would open the Sudbury, Assabet, and Concord rivers to migration of native river herring and American eel through portions of nine communities.

**Existing fish passage conditions:** The Middlesex Dam is the most downstream of the three dams. Breached in the 1980s by flooding, this dam currently consists of two segments that meet at an island in the Concord River. While there is not currently a physical obstruction, the remaining concrete abutments create a hydraulic restriction that allows migration of shad and river herring only during very limited flow conditions (Richard Quinn, USFWS hydraulic engineer, personal communication, as cited in Charles George Natural Resources Trustee Council, 2002).

The Wamesit Falls, or Centennial Island, Dam is the second dam on the Concord River (Figure 14). This low-head run-of-river dam supplies water to an active hydropower generator via a small power canal. This dam includes an operational fishway that is maintained by the hydropower operator as a condition of receiving an exemption from licensing by FERC (FERC Project No. 2998). A series of stones crosses the main river channel just upstream of the fishway entrance. The Lowell Parks and Conservation Trust (LPCT), whose volunteers perform fish counts annually, report that fish are utilizing the fishway. However, the National Marine Fisheries Service (NMFS) and MassWildlife report that fish may be attracted to the base of the Centennial Island Dam rather than to the entrance of the fishway due to differences in attraction flows.



**Figure 14. Wamesit Falls (also known as Centennial Island Dam).**

The Talbot Mills Dam, also known as the Faulkner Mills Dam, currently has no provision for fish passage.

**Proposed fish passage approaches:** There are three proposed locations where fish passage would be restored or enhanced: the Middlesex Dam, the Centennial Island Dam, and the Talbot Mills Dam.

At the Middlesex Dam, the proposed project would include reviewing the remnant dam structures and stream channel to allow up- and down-stream passage of diadromous fish and determining what, if any, actions are necessary to enhance fish passage. An evaluation of the Middlesex Dam in 1999 by the USFWS noted that a simple fishway and an entrance channel could improve upstream passage (Quinn, 1999).

At the Centennial Island Dam, the proposed project would include supporting assessments, based on volunteer-based observational data, of the current passage capability of the existing fishway. The project would improve volunteer capacity and capability to monitor upstream fish passage. Funding would be provided for a part-time volunteer coordinator to organize volunteers, develop training materials, and perform training. Training and observation would be targeted for the times of year when fish are expected to pass through the structure. As this site is a focal point for public stewardship and awareness of the watershed-wide diadromous fish restoration effort; the volunteer coordinator will also conduct community outreach and education as part of recruiting volunteers and publicizing fish passage results. A summary report will be prepared to describe observations recorded during the study period and an interpretive sign will be developed and installed at the fishway or along the Concord River greenway adjacent to the fishway.

At the Talbot Mills Dam, the proposed project involves undertaking a phased approach to investigating the potential feasibility of fish passage. Each phase is intended to fill gaps in existing data that are critical to addressing issues at the dam owner, citizen, municipal, state, and federal agency levels. Public informational meetings will be held throughout the process to afford stakeholders an opportunity to provide input on the proposed project and the proposed alternatives. After the completion of each phase, the Trustee Council will evaluate the analyses and determine the practicability of moving forward. Phases 1–3 represent preliminary analyses and Phases 4–5 represent feasibility and design.

### **Talbot Mills Dam Phases 1–3: Preliminary Analyses**

Phase 1: *Deed, property boundary, and licensure investigation.* Uncertainty exists regarding the ownership of the dam, the land underneath it, adjacent properties, dam safety and maintenance, and the licensure status of the dam. A title search would be performed for the structure and adjacent parcels to confirm ownership as well as to determine the status of the dam's license relative to the Massachusetts Waterways Regulations (M.G.L. Chapter 91 and 310 CMR 9.00). Information regarding dam safety and maintenance would also be sought during Phase 1.

Additionally, an attempt would be made to identify whether the structure was authorized through any acts or resolves of the Massachusetts Legislature.

At the completion of these data collection efforts, the Trustee Council will seek to obtain access to the site and concurrence with restoration planning efforts from dam owners prior to proceeding to Phase 2 of the project.

*Phase 2: Preliminary hydraulic investigations.* The Town of Billerica withdraws water from the Concord River approximately one mile upstream of the Talbot Mills Dam and has previously expressed concern that removal or modification of the dam could impact their water supply. However, the Fordway Bar, which is a geologic feature located upstream of the impoundment but downstream of the drinking water intake, may control the river water surface elevation at the drinking water intake. A bathymetric survey and hydraulic investigation will be conducted to evaluate potential changes associated with dam modification.

Field surveys will be conducted of river cross-sections at key hydraulic control points and other locations following the Gulf of Maine Council on the Marine Environment's Stream Barrier Removal Monitoring Guide (Collins et al., 2007). Cross-sections would include measurements of the riverbed, surrounding banks, and water surface elevation. Survey control would be established at each location and referenced to the Massachusetts State Plan (e.g., North American Datum of 1983, NAD 83) as well as the vertical datum used for the dam (e.g., National Geodetic Vertical Datum of 1929, NGVD 29). These surveys will be supplemented with data from existing sources, including any USGS instream flow studies and models, documentation associated with the Town of Billerica's water supply system and permit requirements, inspection reports and plans associated with the Talbot Mills Dam, and the Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) cross-sections for the river.

A steady-state hydraulic analysis would be prepared using a combination of the survey data and data from other sources. The hydraulic analysis would use accepted modeling software to determine the following:

- ▶ Existing conditions, including limits of impounded headwater, during low, normal, and high flow conditions
- ▶ Hydraulic characteristics up- and down-stream in the event the dam were removed, breached, or otherwise modified for fish passage
- ▶ Potential impacts to the water supply intake, existing bridges, and other nearby structures in the event the dam were removed, breached, or otherwise modified for fish passage.

At the completion of Phase 2, the Trustee Council will review the results of the analyses and conduct interagency consultation to discuss changes in water levels upstream of the Fordway

Bar, particularly any potential effects on the Town of Billerica water supply intake. If the Trustee Council determines that there are no potential effects, or that potential effects can be avoided, minimized, or mitigated, the project will proceed to Phase 3.

Phase 3: *Preliminary sediment analysis*. The quality, quantity, and type of sediment impounded upstream of the Talbot Mills Dam are key data in determining the range of viable fish passage alternatives. Since the Concord River upstream of the Talbot Mills Dam is slow-flowing with a gentle gradient, it is unlikely to carry a large sediment load. However, accumulation of sediment behind the dam is likely to have occurred over time. Management of impounded sediment under certain alternatives such as dam breaching or removal can include removal, stabilization, or release downstream. Thus, knowing the characteristics of sediment to be managed is critical in dictating the design and cost of these alternatives.

Requirements for sediment sampling and analysis in Massachusetts are generally defined by the 401 Water Quality Certification regulations of 314 CMR 9.00. Based on the size of the impoundment upstream of the dam, it is likely that greater than 10,000 cubic yards of sediment may require management. Information gathered during the bathymetric survey conducted during Phase 2 of the project will help refine this estimate. However, projects of this size require preparation of a project-specific sampling and analysis plan. Specific tasks will likely include:

- ▶ Gather and review existing sediment data, including those collected by the USGS, MassDEP's Division of Watershed Management, and any large-scale projects recently conducted in the project area that involved instream work.
- ▶ Perform a due-diligence review to determine the potential for the accumulated sediment to contain oil and/or hazardous material, as defined by the Massachusetts Contingency Plan, 310 CMR 40.0000, and following the methods of the Massachusetts 401 Water Quality Certification regulations at 314 CMR 9.07.
- ▶ Estimate the volume of impounded sediment using the bathymetric survey data collected in Phase 2 of the project, supplemented by additional field survey if necessary.
- ▶ Prepare a project-specific sampling and analysis plan and submit to the MassDEP for approval, specifying the sampling parameters, locations, and frequency.
- ▶ Upon approval by MassDEP, perform sampling and analysis as specified by the plan.
- ▶ Submit data to MassDEP for review and conduct supplementary sampling and analysis as necessary.

At the completion of Phase 3, the Trustee Council will review the results of the analysis and conduct interagency consultation to assess the viability of sediment management options for

reuse, stabilization, or release. If the Trustee Council determines that sediment quantity or quality preclude the implementation of any specific fish passage alternatives, those alternatives will not be advanced further to Phase 4, Feasibility and Design.

#### **Talbot Mills Phase 4: Feasibility and Design**

**Phase 4a: Target diadromous fish species.** The target fish species for passage will be refined to determine the limiting factors affecting up- and down-stream migration. Specifically, the evaluation criteria could include migration periods and flow requirements and swimming speeds and durations (cruising and burst). Consultation with state and federal agency fishery experts as well as review of primary source literature will inform the determination of the suitability of potential fish passage approaches. This will, in turn, help inform the application of the hydraulic model developed in Phase 2 and applied further in Phase 4d as described below.

**Phase 4b: Pre-application conference.** The Trustee Council will meet with appropriate state and federal regulatory agencies to obtain a preliminary review of applicable permits and requirements to help inform studies and analyses to be conducted during the feasibility phase. This will include consultations with the Massachusetts Historical Commission (MHC) and the Massachusetts Natural Heritage and Endangered Species Program (NHESP) as appropriate.

**Phase 4c: Detailed site survey.** A detailed topographic, planimetric, and property boundary survey will be performed for the dam and the site surrounding it, including the stream bed, the impoundment bottom, the bridge immediately downstream of the dam, the surrounding grounds, and adjacent buildings. This survey information will be used as the basemap for concept plans and to assess property ownership and permitting requirements of the proposed alternatives. Survey control would be established at the site and referenced to Massachusetts State Plane (NAD 83) as well as the vertical datum in which the current area topographic maps are drawn (e.g., NGVD 29).

**Phase 4d: Additional hydraulic investigation.** A steady-state hydraulic analysis will be prepared using the data provided in Phase 2. The hydraulic analysis would use accepted modeling software to determine the following additional conditions:

- ▶ Modifications of the dam that would accommodate installation of the types of fishways likely to be most effective for target species
- ▶ Methods to increase efficiency of fish passage, if necessary, such as enhancing attraction flows at the entrance of the fishway
- ▶ Channel morphology up- and down-stream of the dam in the event the dam were removed, breached, or otherwise modified for fish passage.

**Phase 4e: Additional sediment investigation.** If sediment quality and quantity are determined to be appropriate for stabilization or release in Phase 3, a sediment transport and redistribution analysis would be performed.

**Phase 4f: Conceptual design.** Conceptual design drawings would be prepared for up to five alternatives, including plan view sheets; profiles through the dam, a restored channel through the dam and, if necessary, the impoundment, fish ladder(s), and/or fish lift; and cross-sections, showing adequate detail to evaluate the advantages and disadvantages, the environmental impacts and benefits, and an order-of-magnitude estimate of costs for each alternative. Also included in a conceptual design should be major cost items, such as final design, sediment management, and permitting. The conceptual design will also address dam safety considerations, including safety issues after dam removal or modification.

### **Talbot Mills Phase 5: Final Report**

A preliminary feasibility study report will be prepared to present the findings of this feasibility investigation and recommendations for final design. The report will also include a discussion of environmental impacts, required permitting, the position of dam owners with respect to any proposed work, a discussion of any additional data gathering required, and a budget-level opinion of cost for design, permitting, and construction of the selected alternatives. The position of the dam owners will also be included. A draft of this report would be submitted for review by the Trustee Council and partner state and federal agencies. Comments would then be incorporated and the study report finalized.

**Expected benefits and timeframe of benefits:** The proposed work at Middlesex Dam will provide a means for improvement of fish passage in a relatively short timeframe following completion. Implementation of fish passage could potentially occur within one to two years. At Centennial Island Dam, the funding will improve volunteer efforts at the structure, which will increase the information available on fish passage through the existing fishway as well as increase public awareness of fish passage activity. These benefits are anticipated within one year of funding. Any proposed modifications to the fishway at Centennial Island Dam would likely need the approval of the USFWS which inspects the fishway as a condition of the dam's FERC exemption. At Talbot Mills Dam, the project involves a feasibility study, which will not result in immediate direct benefit. Direct benefits to fish passage would be realized if the study concludes that fish passage at the dam is feasible and support can be gained from the dam owner, the owners of other properties that could be affected, and other key stakeholders.

The potential benefits from creation of fish passage at Talbot Mills Dam are extremely high. Providing access to anadromous fish (shad, river herring, and American eel) of over 40 river miles of historical spawning habitat would make a substantial contribution to the overall populations of these fish in the whole Merrimack River Watershed. These fish populations would

be expected to become self-sustaining after fish passage is created. Recreational opportunities would also be enhanced for fishing and wildlife observation.

**Brief overview of maintenance and monitoring:** Semi-annual implementation monitoring would provide updates to the Trustees on the progress of the work at Middlesex Dam and Centennial Island Dam and progress on the feasibility study. Ongoing counts of fish passage at the Centennial Island Dam would provide information on whether the work at the Middlesex Dam has increased upstream fish passage toward Centennial Island. Maintenance requirements for any fish passage improvements at the Talbot Mills Dam would be developed as part of the feasibility study.

**Probability of success:** The project is anticipated to answer outstanding questions that will address the feasibility of implementing fish passage enhancements. Implementation of recommendations at the Middlesex Dam and at the Talbot Mills Dam will depend on the cooperation of the dam owners which is unknown at the point.

**Environmental and socioeconomic consequences:** The immediate project, including assessing existing passage and performing feasibility studies to improve passage, will not result in environmental or socioeconomic consequences. Future projects, including implementation of recommendations, may result in environmental or socioeconomic consequences. These consequences will be identified as part of the feasibility evaluations and as part of any permitting process.

**Estimated costs:** The cost for reviewing and updating the passage study for Middlesex Dam is estimated at \$15,000. Support of volunteer monitoring efforts, outreach, and reporting for the Centennial Island Dam is estimated at \$25,000. The cost of conducting the fish passage feasibility study at Talbot Mills Dam is estimated at \$200,000. The cost of implementing recommendations for fish passage measures is unknown, but could exceed \$750,000.

**Trustee evaluation and proposed allocation:** This project is proposed to receive \$240,000 in funding in Tier 1 for work at Middlesex Dam, Centennial Island Dam, and completion of the feasibility study at Talbot Mills Dam, and an additional \$185,000 in Tier 1 as a contribution for implementation if the project progresses to implementation. The Trustees expect that other sources of funding would be available as matching funds if the project progresses. The project was evaluated favorably versus the Trustee evaluation criteria because of its focus on restoring diadromous fish population to the SuAsCo Watershed. The loss of diadromous fish because of dam blockage has represented a significant biological impoverishment of the system since the dams were constructed in the 19th century. The potential opportunity to restore diadromous fish would directly improve aquatic resources in the Sudbury River, which were injured from releases of hazardous substances at the Site. An alewife (river herring) stocking program began in 2000 with the goal of restoring historical runs of river herring to the Concord River. Alewife have been stocked into the Concord, Assabet, and Sudbury rivers. The Great Meadows NWR has

helped to locate release sites, release stocked fish, and monitor local rivers for fish passage, as part of their refuge objective of protecting and enhancing habitats to support self-sustaining populations of Federal trust species and wildlife diversity (USFWS, 2005b).

Successful improvement and restoration of fish passage of these three dams may allow diadromous fish to pass as far as Framingham, resulting in benefits to areas directly impacted by the Site. Specifically, if fish can get past the Talbot Mills Dam, they will have access to more than 40 miles of historical river habitat because the next upstream obstruction is the Saxonville Dam on the Sudbury River in Saxonville, Massachusetts, and a small hydroelectric dam on the Assabet River at the Acton/Maynard line, Massachusetts (Charles George Natural Resources Trustee Council, 2002). The feasibility study supported by this project is a necessary first step before additional consideration of fish passage can occur. Because of the great potential benefit of this project, the Trustees evaluate this feasibility study favorably (Table 6).

**Table 6. Evaluation of Concord River Diadromous Fish Restoration: Feasibility and Stewardship project versus the Trustee criteria.** Numbers in parentheses refer to the numbered list of criteria provided in Section 3.3. This table only includes criteria where the project was evaluated as particularly strong compared to other projects.

High importance criteria	Evaluation strengths
Proximity to injured resources (1)	Dams are located outside the Sudbury River Watershed but fish passage restoration will have a positive impact on the injured natural resources that historically utilized the Sudbury River. Fish passage at all three dams could restore diadromous fish in the Sudbury River up to Framingham.
Relationship to injured resources (2)	A feasibility study is a necessary prerequisite to restoring injured natural resources (freshwater fish) in the Sudbury River. The resources that would benefit from this project (diadromous fish) are of high environmental value.
Magnitude of benefits and demonstrated need (3)	Addresses a demonstrated need to restore diadromous fish to historic habitat in the Concord River Watershed. The goal of restoring historical runs of fish in the herring family to the Concord River is noted in the Great Meadows NWR Comprehensive Conservation Plan (USFWS, 2005b). The Sudbury, Assabet and Concord Wild and Scenic River Study River Conservation Plan (NPS, 1995) notes the need to promote projects that promote anadromous fish restoration.
Technical/Technological feasibility (6)	Project will employ well-known and accepted techniques for conducting the feasibility study. The study will propose well-known and accepted techniques for achieving fish passage.
<b>Medium importance criteria</b>	
Avoidance of adverse impacts – ecological (2) and socioeconomic (4)	The feasibility analysis will not result in environmental or socioeconomic impacts. The potential impacts of fish passage restoration will be evaluated as part of the feasibility study.
Stewardship and public education (socioeconomic benefit) (5)	Opportunity for continued stewardship and public education through volunteer involvement, especially at the Centennial Island Dam; project provides a critical foundation for ongoing and future restoration activities.

### 4.3.5 Sudbury RiverSchools Program

**Restoration objective:** To introduce students and their teachers to native plants and wildlife that depend on healthy rivers and offer engaging programming for exploration and discovery of the river itself. See Figure 15 for the project logic model.

**Figure 15. Sudbury RiverSchools Program – logic model**

Restoration actions	Expected short-term result	How benefits are achieved	Desired long-term results
Educate students and teachers about native plants and wildlife; help students explore and discover the river.	Interaction with the river's natural resources increases knowledge and inspires ongoing engagement with the river.	Interaction with the river's natural resources inspires ongoing engagement with the river.	Students and teachers become better environmental stewards of the river and support policies and practices that maintain or increase river health.

**Project location:** Schools in five different Sudbury River communities.

**Project description:** The Sudbury RiverSchools Program builds on an existing successful educational program developed and run by MassAudubon. This program would work with one elementary and one middle/high school in five Sudbury River communities. Activities include a combination of in-class and field-based environmental education.

Specific aspects of the RiverSchools program include:

- ▶ Developing and facilitating teacher workshops that provide content information about river habitats and their ecology, specific to the Sudbury River, in addition to methods for incorporating the study of the river into classroom curriculum, including the use of project-based science monitoring projects.
- ▶ Building capacity and ongoing support for teachers to develop place-based environmental education and science literacy programs for their students.
- ▶ Offering students the opportunity to learn about the ecological significance of the river and the watershed by participating in classroom-based environmental education programs, field studies at the river, and the opportunity to present and share the data they collect during outreach events.
- ▶ Assisting with the facilitation of partnerships with schools along the Sudbury River and local conservation organizations and resources.

Content workshops for teachers help build both a knowledge base and a comfort level with the inquiry-based science and ecological concepts. Content workshops recognize that teachers want to build upon their own knowledge and understanding before they can comfortably utilize the natural world as an “outdoor classroom.”

Field study workshops at the Sudbury River provide teachers with the opportunity for hands-on fieldwork which increases the potential that teachers will be able to successfully integrate environmental education into the classroom. It familiarizes teachers with different field study tools, techniques, and methods of bridging fieldwork with ongoing or long-term classroom units.

For students, the RiverSchools program utilizes a combination of in-class and field-based environmental education – Classroom Discovery programs orient students and teachers to their watershed as well as the river in their community, introduce native wildlife dependent on the health of the river system to youth, and prepare students to use field equipment and data collection tools. Habitat Exploration programs include hands-on field work at the river in students’ school communities to make classroom lessons about habitat, food webs, interdependence, and stewardship come to life. As students do field work to study aquatic insects, fish, and wildlife that are dependent on the health of the river, they are asked about their own interdependence with the river habitat and their responsibility to the health of the watershed (MA Audubon, 2008).

This project includes an additional component that will be integrated with Project 4.4.2 (Neotropical Connections) to communicate the benefits of protecting wintering habitat for bird species that migrate along the Eastern Flyway and utilize the SuAsCo Watershed. Children within the SuAsCo Watershed will be able to learn where “their birds” overwinter by following the migratory pathways of birds outfitted with “solar geolocators” that can track their position during migration. [More information on this component of the project is provided in the Neotropical Connections (Belize) project described in Section 4.4.2.]

**Expected benefits and timeframe of benefits:** The expected benefits are an increase in ecological knowledge and an increase in stewardship behavior by teachers and students. The timeframe for program delivery once funding is made available follows:

- ▶ Needs assessment and pre-program planning (three to six months, ongoing once schools are identified): Identify and meet with the schoolteachers and administrators from potential partner schools in Sudbury River communities.
- ▶ Teacher professional development: Occurs in early summer or early fall. Prepares teachers for student programs that occur the following school year.

- ▶ Classroom discovery programs: Occur in early fall or early spring, approximately two to four weeks before habitat exploration/field study programs.
- ▶ Habitat exploration/field study programs: Occur two to four weeks after classroom discovery programs.

**Brief overview of maintenance and monitoring:** The educators for this program engage in ongoing evaluations to increase project success and overcome any hurdles that are encountered during the educational programs. The proposed project proponent (MA Audubon Society) also would provide a more comprehensive summative evaluation that would be conducted annually to report on the types of programs delivered and evidence or metrics of educational success.

**Probability of success:** The probability of success for the educational programs is high. The proposed project proponent (MA Audubon Society) has extensive experience engaging in these kinds of educational efforts. The probability of success for increasing environmental stewardship into the future is unknown.

**Environmental and socioeconomic consequences:** There would be no environmental consequences associated with this project. The project has the potential to have a positive socioeconomic consequence if environmental stewardship of the river improves.

**Estimated costs:** The estimated annual cost of the program is \$30,000 for three years. The cost estimate assumes that the project will engage with two grade levels (one elementary and one middle/high school) in five Sudbury River communities, with an average of four classrooms per grade level. The actual number of schools, communities, and grade levels included in the program will depend on the level of interest expressed.

**Trustee evaluation and proposed allocation:** This project is proposed to receive \$90,000 in funding in Tier 1 to carry out the project for three years. If funding is available, the project would receive \$30,000 in funding in Tier 2 for one additional year. The project was evaluated favorably versus the Trustee evaluation criteria because of its focus on hands-on engagement with the river, including monitoring and data collection of river resources (Table 7).

#### **4.4 Proposed Alternative – Riparian and Floodplain Biological Resources and their Supporting Habitats and Food Sources**

The Nyanza NRD Trustee Council proposes to provide a total of \$1,369,000 in Tier 1 funding and \$700,000 in Tier 2 funding to four projects in the restoration priority category of Riparian and Floodplain Biological Resources and their Supporting Habitats and Food Sources. Collectively, these projects will restore open grassland habitat in the floodplain of the Sudbury

**Table 7. Evaluation of Sudbury RiverSchools Program versus the Trustee criteria.**

Numbers in parentheses refer to the numbered list of criteria provided in Section 3.3. This table only includes criteria where the project was evaluated as particularly strong compared to other projects.

<b>High importance criteria</b>	<b>Evaluation strengths</b>
Proximity to injured resources (1)	Located within the Sudbury River Watershed.
Relationship to injured resources (2); magnitude of benefits and demonstrated need (3)	Improved environmental stewardship will help avoid future adverse impacts to the river and its associated resources.
Technical/Technological feasibility (6)	Project employs well-known and accepted techniques to achieve ecological and social objectives. The project sponsor, MA Audubon Society, has extensive experience conducting these types of educational programs.
Reasonableness of costs (7)	Provides a high value of expected benefit to expected cost because of the low cost of the project and the opportunity to educate hundreds of teachers and students.
Measurable results (10)	Project delivers tangible social and/or human use results that may be evaluated using quantitative or professionally accepted methods.
<b>Medium importance criteria</b>	
Avoidance of adverse impacts – ecological (2) and socioeconomic (4)	Has little to no potential for significant adverse environmental or socioeconomic impacts.
Community goals (3)	Project complements plans for increased environmental stewardship in the Sudbury River Watershed.
Stewardship (socioeconomic benefit) (5)	Through education that involves opportunities to interact directly with the river’s natural resources, children and adults in the watershed will be better informed about the importance of environmental stewardship.

River, protect overwintering habitat for neotropical migratory birds, and acquire land at risk of development in the Sudbury River corridor. The Trustee Council’s goal in this restoration project category is to restore riparian and floodplain habitats to sustain native wildlife species that were injured by releases of hazardous substances from the Site.

#### 4.4.1 Greenways North Field Restoration

**Restoration objective:** To improve wildlife habitat by controlling invasive buckthorn (*Rhamnus cathartica*) in a seven-acre field adjacent to the Sudbury River and encouraging the growth of grassland habitat that will better support birds and wildlife. See Figure 16 for the project logic model.

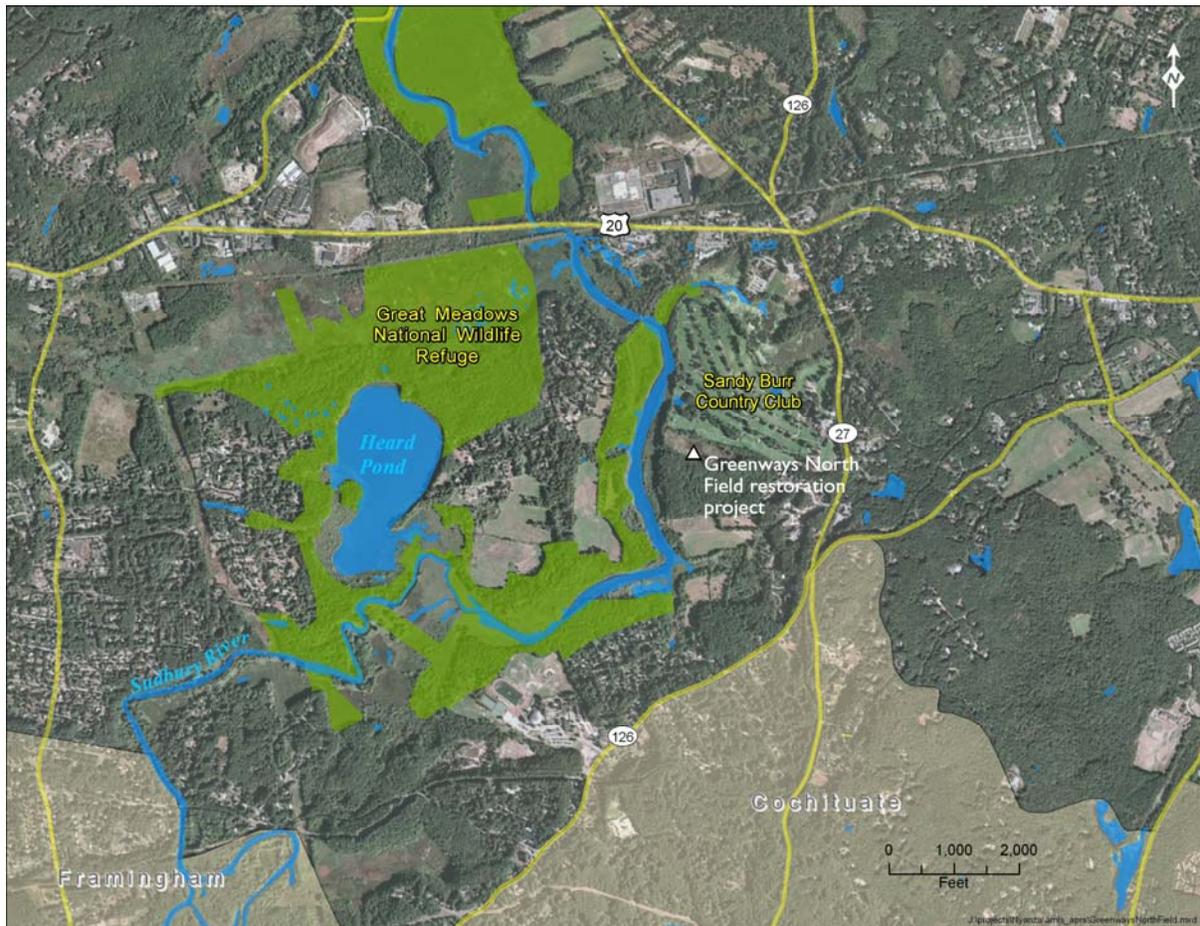
**Figure 16. Greenways North Field Restoration – logic model**

Restoration actions	Expected short-term result	How benefits are achieved	Desired long-term results
Control invasive buckthorn in a field by cutting buckthorn by hand in the winter and applying herbicide selectively via backpack sprayer the following summer.	Buckthorn is greatly reduced or eliminated in the field.	Grassland vegetation reestablishes dominance in the field; birds and wildlife make use of open grassland habitat.	Birds and wildlife requiring open grassland habitat are benefited by increased nesting habitat,

**Project location:** Adjacent to the Sudbury River in Wayland. See Figure 17 for project location.

**Project description:** A seven-acre field owned by the Sudbury Valley Trustees adjacent to the Sudbury River has the potential to provide enhanced habitat for insectivorous birds (e.g., tree swallows, song sparrows, and house wrens) that use the upland areas along the river for nesting, resting and feeding. The field may also provide nesting habitat for grassland birds, such as bobolinks, field sparrows, Eastern bluebirds, and American kestrel (*Falco sparverius*), as well as other birds, wildlife, and insects that make use of fields and field edges. An invasive shrub species (buckthorn) currently dominates the field, despite efforts to control it with mowing. Eradication of the buckthorn is necessary to restore the field to grassland habitat.

**Site description and history:** The field is owned by the Sudbury Valley Trustees and maintained as a conservation area. The field is part of the Wild & Scenic River Corridor (NPS, 1995) and also is located within a MA Natural Heritage Biodiversity Core Habitat Area. The field is mostly wet meadow with upland pockets. The current vegetation composition of the field includes a predominance of sensitive fern, goldenrod, and buckthorn. There are a few isolated plants and patches of purple loosestrife, another invasive species. Restoration of grassland habitat in the field is a priority for the Sudbury Valley Trustees because field habitat has been declining in Massachusetts over the last 50–100 years and it is identified as a priority habitat in MassWildlife’s Strategic Action Plan. The SuAsCo Biodiversity Protection and Stewardship Plan also noted that grassland birds are declining in the SuAsCo Watershed as land is lost from agricultural use (Clark, 2000). This project would be the second phase of a buckthorn control



**Figure 17. Location of Greenways North Field Restoration project.**

project. The first phase of the project – clearing the invasive shrubs that had grown up around the perimeter – was completed with funding support from the MassWildlife Landowner Incentives Program (LIP). LIP also supports the annual field mowing; however, this mowing has been unsuccessful in controlling buckthorn (SVT, 2008).

**Site access:** Existing roads and pathways can be used for site access. No habitat would be disturbed for access.

**Buckthorn removal:** Buckthorn removal at this site would follow the method recommended by the Massachusetts Audubon Society (L. Wagner, Regional Scientist, Massachusetts Audubon Society, personal communication, December 17, 2009), which involves using a combination of hand-cutting the buckthorn, followed by herbicide application, mowing, and additional followup

herbicide application in subsequent years to kill recurring growth. This method can eradicate the buckthorn population while maintaining the existing grass species and mature grassland habitat.

Buckthorn would be cut in the winter by hand, and then a foliar spray (triclopyr or “Garlon”) would be applied to the cut stems and newly sprouted leaves in July or August with a backpack sprayer. The Massachusetts Audubon Society reports that this method is 95–98% effective in killing buckthorn. Followup treatment may be necessary for a few years, and spraying with Garlon and/or glyphosate (Roundup) would be conducted in late August.

In addition to stalk cutting and selective herbicide application, the field would be mowed once every three years in the late summer to early fall to prevent establishment of other woody vegetation, preventing the conversion of the field into forest in the long-term. Mowing would occur after the herbicide has taken effect. The mower blades would be set relatively high, at about 6 inches, to maintain a healthy plant community. If turtles are thought to be present, mower blades would be set at 8 to 12 inches to avoid hitting them. Mowing would be timed to avoid disturbing nesting birds, if any are present.

**Expected benefits and timeframe of benefits:** The primary desired benefit of the project is the restoration of grassland habitat that is used by nesting and feeding birds and other wildlife.

Project benefits would begin after the first year of winter cutting of buckthorn and are expected to reach full benefit within three years of starting the treatments. The duration of project benefits will depend on effective annual maintenance, including mowing and, potentially, herbicide application at periodic intervals.

**Brief overview of maintenance and monitoring:** Semi-annual implementation monitoring would be conducted for the first three years of the project. This monitoring would confirm that project permitting and implementation activities are proceeding on schedule and in accordance with project plans. Following implementation, the presence of buckthorn in the field would be monitored annually using qualitative vegetative surveys. Regrowth of buckthorn would trigger corrective actions (i.e., cutting and/or herbicide applications). The effectiveness of the project in creating grassland habitat would be monitored with breeding bird surveys, looking especially for the presence of insectivorous birds and nesting bobolinks. The Sudbury Valley Trustees already conduct breeding bird surveys annually as well as informal butterfly, dragonfly, and damselfly surveys annually.

Maintenance efforts include mowing every three years to maintain habitat benefits and potentially additional selective herbicide applications during the first two to five years. Natural resource damage assessment project funding has been calculated for the first four years of maintenance. After this time period, maintenance will be the responsibility of the Sudbury Valley Trustees, who have a good track record of conducting appropriate maintenance and

monitoring on their properties. Because there are populations of buckthorn nearby, birds are likely to continue reseeding the site. Thus, preserving long-term benefits of the project will require regular maintenance actions.

**Probability of success:** The project has a high probability of success for buckthorn removal, and an open field condition is likely to be maintained by the owners. As a result, the project has a high probability of improving feeding habitat for insectivorous birds that live along the river corridor. Additionally, restoring grassland habitat may result in use of the area by grassland-nesting birds, such as bobolinks. The SuAsCo Biodiversity Protection and Stewardship Plan noted that management of “clusters of fields greater than 10–15 acres” will benefit grassland birds (Clark, 2000). At seven acres, the Greenways field is smaller than this lower threshold. However, it is located less than 500 yards away from other open fields owned by the Town of Wayland that are used for bobolink nesting. This proximity may increase the chance that the Greenways field will also be used by bobolinks.

**Environmental and socioeconomic consequences:** The project is intended to have a net environmental benefit by eliminating an invasive species and restoring relatively rare open field habitat for use by birds and other wildlife. However, care must be taken to avoid potential environmental impacts due to the use of herbicide in this project and the sensitive natural resources in the project area. The project site includes areas within WPA jurisdiction, including the categories known as “Bank,” “Bordering Vegetated Wetlands” (BVW), “Land Under Water,” and “Riverfront Area” associated with the Sudbury River and mapped “Estimated Habitat” on the eastern portion of the field, as well as areas subject to the Massachusetts Endangered Species Act (MESA), including mapped “Priority Habitat” for state-listed species that overlaps the Estimated Habitat on the eastern portion of the field.

**Expected permitting requirements:** Permitting will be required for the proposed project. At a minimum, the proposed project proponent would likely be required to file an NOI with the Wayland Conservation Commission for alteration (herbicide application) within Estimated Habitat, Riverfront Area, and “Buffer Zone” associated with the other regulated resource areas.

It will also be necessary to coordinate with the Massachusetts NHESP for herbicide application within Priority Habitat, which is mapped on the eastern portion of the field. There is a MESA exemption for active management of listed species habitat, but a Conservation and Management Plan must be prepared and reviewed by the MassWildlife to receive the exemption. Additionally, in Massachusetts, a general use herbicide, which includes common commercially available products, must be applied by a licensed applicator, if performed on someone else’s property for hire, or if performed as part of the job duties of an employee on lands of the employer.

**Estimated costs:** \$34,000 for cutting buckthorn, selective herbicide application, mowing, project management, and permitting, as well as followup cutting and spraying for three years after the

initial treatments. The estimated cost assumes that volunteers will do the cutting and a licensed contractor will do the spraying. Cost estimates are based on information provided by the Massachusetts Audubon Society and Broadmoor Wildlife Sanctuary (A. Landry, staff member, Broadmoor Wildlife Sanctuary, personal communication, December 21, 2009).

**Trustee evaluation and proposed allocation:** This project is proposed to receive \$34,000 in Tier 1 implementation funding from the NRD settlement. The Trustees will review specific proposed management plans for the site as a condition of receiving funding. The proposed project proponent (Sudbury Valley Trustees) will provide matching support for volunteer labor and long-term maintenance. The Trustees evaluated this project favorably (Table 8) because of the potential to increase field habitat in the river corridor and benefit a variety of birds and other wildlife. Specifically, a number of bird species that were impacted by releases of hazardous substances from the Site (e.g., tree swallows, song sparrows, and red-winged blackbirds) will likely utilize the restored field, so this project has a strong nexus to injury.

**Table 8. Evaluation of Greenways North Field Restoration project versus the Trustee criteria.** Numbers in parentheses refer to the numbered list of criteria provided in Section 3.3. This table only includes criteria where the project was evaluated as particularly strong compared to other projects.

<b>High importance criteria</b>	<b>Evaluation strengths</b>
Proximity to injured resources (1)	Located adjacent to Sudbury River mainstem.
Relationship to injured resources (2)	Restores habitat type utilized by injured resources (insectivorous birds) and other wildlife. This project provides a direct benefit to injured bird resources.
Magnitude of benefits and demonstrated need (3)	Addresses a demonstrated need and will increase habitat available to grassland birds in an area already used by grassland birds for nesting.
Technical/Technological feasibility (6)	Employs well-known and accepted techniques to achieve ecological objectives; project design is based on the experience of the Massachusetts Audubon Society.
Measurable results (10)	Project results can be evaluated using quantitative or professionally accepted methods for documenting success of buckthorn control and bird or wildlife use of habitat.
<b>Medium importance criteria</b>	
Community goals complemented (3)	Importance of grassland birds to the biodiversity of the SuAsCo Watershed is recognized in the Great Meadows NWR Comprehensive Conservation Plan.
Avoidance of adverse impacts – ecological (2) and socioeconomic (4)	Low quality of current habitat suggests project will avoid environmental and socioeconomic impacts, but herbicide poses risks.
Stewardship and public education (socioeconomic benefit) (5)	Provides an opportunity for continued stewardship through partnership with Sudbury Valley Trustees, the landowner.
Level of difficulty (6)	Similar projects nearby suggest level of technical difficulty is not high, although permits may be difficult to obtain.

#### 4.4.2 Neotropical Connections (Belize)

**Restoration objective:** To benefit neotropical songbird migrants that utilize the SuAsCo Watershed and that were impacted by hazardous releases from the Site by restoring and protecting overwintering habitat sites in Belize. See Figure 18 for the project logic model.

**Figure 18. Neotropical Connections – logic model**

Restoration actions	Expected short-term result	How benefits are achieved	Desired long-term results
Support improved community-based management of forest habitat in Belize.	Forest habitat is improved and protected in Belize.	Neotropical migrants have an increase in available high-quality overwinter habitat.	Neotropical migrants overwinter successfully in Belize; as a result, populations of neotropical migrant birds are increased in the eastern flyway.

**Project location:** The project is proposed for the Toledo district in Southern Belize (Figure 19).

**Project description:** The Nyanza Trustees propose to restore and protect overwintering habitat in Southern Belize to benefit neotropical songbird migrants such as warblers, flycatchers, and thrushes that were impacted by mercury contamination from the Site. In addition, because these species migrate along the Eastern Flyway and make bi-yearly journeys across the United States, impacts at the Site result in reductions throughout the flyway, where they feed and rest and provide enjoyment to numerous bird watchers along the way. Therefore, to restore these migratory birds for the benefit of both the area where the injury occurred in Massachusetts and throughout the flyway, the Nyanza Trustees propose to support a forest management and protection project in an important bird wintering area in Southern Belize.

Effective restoration efforts for neotropical songbird migrants include components in breeding and wintering habitats. Protecting wintering habitat is especially important as winter food limitations cause mortality on wintering grounds as well as increase mortality during migration and reduce productivity in breeding areas (Holmes, 2007). DOI recently initiated the “Neotropical Connections” Program to use restoration funds from NRDAR settlements in the United States to benefit neotropical migrants frequently impacted at hazardous waste sites by enhancing or protecting forest habitats in wintering areas, such as Central America (Figure 20). Utilizing NRDAR funds for the Neotropical Connections Program also supports other ongoing departmental efforts to protect neotropical migratory birds (e.g., National Park Service Park Flight Program and the USFWS Neotropical Migratory Bird Conservation Grant Program).



Figure 19. Approximate location of project in the Toledo District in Belize.

The proposed program would restore and rehabilitate degraded tropical forest to improve wintering habitat for neotropical migrant birds. To achieve this goal, the BFREE, a Florida-based nongovernmental organization (NGO) that manages a field station and private reserve in Southern Belize, would work with local farmers to facilitate the



**Figure 20. Example of intact forest habitat in Belize.**

Photo credit: David Evers, Biodiversity Research Institute.

transition from intensive agricultural to sustainable agroforestry. Crops such as pineapple and banana, which will otherwise be grown on the project lands, provide very limited habitat benefits to migratory birds and require significant quantities of pesticides and fungicides. Alternatively, sustainable cacao and coffee can be grown under a structurally and floristically diverse forest that provides high-quality habitat for neotropical migrants. Extensive monitoring has shown that the abundance, richness, and diversity of neotropical migrant species in agroforestry systems is significantly greater than in agricultural monocultures or pastoral areas (Perfecto et al., 1996; Estrada and Coates-Estrada, 2005; Harvey and Gonzalez Villalobos, 2007), and that agroforestry systems provide important refugia for resident and migrant birds. Thus, training and paying farmers to reforest cleared land and develop shade-grown agriculture provides significant cost-effective benefits to birds and can be economically sustainable for the local community.

The project area in Southern Belize is vitally important to numerous over-wintering migratory songbird species, including many which utilize the SuAsCo Watershed and were affected by the Site. Birds restored by this project will replenish the populations using the Eastern Flyway. Table 9 provides a partial list of migratory bird species expected to benefit from the restoration. Species most affected by contaminant releases from the Site are noted.

Under the proposed program, the Trustees would fund BFREE to work with farmers in the Trio Village area to develop a profitable and self-sustaining agro-forestry system that allows the forest to regrow while planting shade-grown organic cacao or coffee. BFREE has been working with local farmers to initiate reforestation activities and to support a local farming cooperative for several years. BFREE would also help promote local farmers by developing green marketing strategies for the bird-friendly cacao and coffee.

**Table 9. List of species present in Sudbury River Watershed (based on the Great Meadows NWR species list) and found wintering in Southern Belize**

Great Blue Heron <sup>a</sup>	Gray Catbird <sup>a</sup>
Great Egret	White-eyed Vireo
Snowy Egret	Yellow-throated Vireo
Green Heron <sup>a</sup>	Red-eyed Vireo <sup>a</sup>
Blue-winged Teal	Yellow Warbler <sup>a</sup>
Osprey	Chestnut-sided Warbler <sup>a</sup>
Sharp-shinned Hawk	Magnolia Warbler
Solitary Sandpiper	Black-throated Blue Warbler
Spotted Sandpiper <sup>a</sup>	Yellow-rumped Warbler <sup>a</sup>
Yellow-billed Cuckoo	Black-throated Green Warbler
Common Nighthawk	Black-and-white Warbler
Ruby-throated Hummingbird	American Redstart <sup>a</sup>
Belted Kingfisher <sup>a</sup>	Ovenbird
Eastern Wood-pewee	Northern Waterthrush <sup>a</sup>
Yellow-bellied Flycatcher	Mourning Warbler
Least Flycatcher <sup>a</sup>	Common Yellowthroat <sup>a</sup>
Great Crested Flycatcher	Wilson's Warbler
Eastern Kingbird <sup>a</sup>	Yellow-breasted Chat
Northern Rough-winged Swallow <sup>a</sup>	Scarlet Tanager <sup>a</sup>
House Wren	Rose-breasted Grosbeak
Blue-gray Gnatcatcher <sup>a</sup>	Indigo Bunting
Gray-cheeked Thrush	Orchard Oriole
Swainson's Thrush	Baltimore Oriole
Wood Thrush	

a. Species most affected by contaminant releases from the Site.

Source: Rotenberg et al., 2009.

The proposed project targets a partially cleared area of forest currently at risk of being permanently converted to intensive agriculture (currently half the area has been cleared for livestock and/or pineapple and banana production and the other half is likely to be cleared within the next five years). The area abuts a protected forest (1,153 acres) already owned and managed by BFREE and National Park Lands. Under the project, five 30-acre farms would be converted to shade-grown cacao or coffee, and overstory forest species would be allowed to re-grow. BFREE would assist farmers in their efforts to grow shade-grown cacao and/or coffee and help prevent forest conversion to land uses that are incompatible with neotropical migrant habitat. In addition, to help ensure that proposed farming practices are maintained, yearly forest monitoring will be undertaken by BFREE for five years. In addition, BFREE will also monitor bird species diversity and abundance on reforested farms. BFREE has a certified bird bander on staff who already monitors four established MoSI (Monitoring Overwinter Survivorship) sites on the reserve. Additional monitoring assistance may be provided from another U.S.-based NGO such

as the BioDiversity Research Institute (BRI) of Gorham, Maine, that has provided assistance with a number of previous migratory bird restoration projects.

**Expected benefits and timeframe of benefits:** The ultimate goal of the project is to benefit populations of neotropical songbird migrant birds that breed and reside in the SuAsCo Watershed and that were impacted due to contaminant releases from the Site. Many of these bird populations have been declining, in large part because of overwintering habitat loss and degradation in neotropical locations such as Belize. The specific benefit of this project is to restore and rehabilitate wintering habitat for neotropical migrant birds in Belize. The project will be monitored for a minimum of five years. At the end of the project period, farmers will benefit from a productive agro-forestry system (growth of shade-grown cacao) and will have significant economic incentive to keep the land as forest for the long-term, generating significant ongoing restoration benefits for neotropical migrants at no further cost. Increasing survivorship of neotropical migrant songbirds on their wintering grounds will also benefit recreational bird watchers throughout the Eastern Flyway, where these songbirds travel during migration.

**Brief overview of maintenance and monitoring:** Project maintenance and monitoring would be conducted by BFREE, in conjunction with another U.S.-based NGO such as BRI. This project includes an additional component that will be integrated with the Sudbury RiverSchools Program (see Section 4.3.5) to communicate the benefits of protecting wintering habitat for bird species that migrate along the Eastern Flyway and utilize the SuAsCo Watershed. A number of individual birds from reforested habitats in Belize will be banded and fitted with “solar geolocators,” which are tiny devices to determine their migratory patterns and nesting locations. These devices record the timing of sunrise and sunset and allow scientists to calculate the daily position of a bird based on its relation to the sun. This new technology was used successfully to track songbirds (i.e., wood thrushes and purple martins) from their breeding habitat in Pennsylvania to their winter habitat in Central and South America (Stutchbury et al., 2009). For this project, geolocators would be attached to neotropical migrants in Belize. These birds would be recaptured the following winter to determine where they traveled and nested. In addition, a small number of geolocators would be attached to neotropical migrants in the SuAsCo Watershed to track their migration routes, and determine where the birds’ wintering habitat is located. Children within the SuAsCo Watershed will be able to learn where “their birds” overwinter. Ultimately, children from the watershed will learn about the wintering habitats of local species and exchange information and ideas with the children from these areas. This effort would be coordinated with a neotropical migrant education program that BFREE is currently developing for young school children in Belize. The geocator monitoring would help demonstrate the connections throughout the Eastern Flyway between neotropical migrant populations in the SuAsCo Watershed and protected overwintering habitats in Belize.

**Probability of success:** Community-based forest protection efforts have demonstrated significant successes throughout Central America. This program would work through a local

organization with established relations with neighboring communities, and a strong track record in developing and implementing environmental projects, while drawing on lessons learned from previous efforts. The Trustees therefore believe this project has a very great likelihood of success.

**Environmental and socioeconomic consequences:** The project is expected to have positive environmental consequences in the United States and Belize by supporting neotropical migrants. The project would have minimal socioeconomic consequences in the United States. In Belize, the project is designed to have positive socioeconomic consequences because the farmers would initially be paid an amount equivalent to what they would earn from converting land to traditional agriculture and, ultimately, they would have a steady source of income from shade-grown cacao which can be sold to a local farmer's cooperative in southern Belize.

**Expected permitting requirements:** U.S. permits are not required for the work in Belize. The individual in charge of the geolocator project will require a federal bird banding permit under the Migratory Bird Treaty Act and a bird banding permit from the MassWildlife.

**Estimated costs:** The total cost for this program is \$75,000. Of that total, \$50,000 would be for the work in Belize that would target five farms, of approximately 30 acres each, for agro-forestry conversion; and monitor neotropical migrant bird densities. In addition, the program would include \$25,000 for geolocators to track neotropical migrants and further evaluate the success of the project. The costs associated with the educational components of this project were described in Section 4.3.5.

**Trustee evaluation and proposed allocation:** This project is proposed as a Tier 1 project with \$75,000 in implementation funding from the NRD settlement. This project was evaluated favorably (Table 10) because it provides an opportunity to directly benefit neotropical migrants – a resource that was injured because of releases of hazardous substances from the Site. As this project would be implemented in Belize, the Trustees would exercise close oversight and guidance such as has been done in previous successful foreign migratory bird projects (i.e., protecting wintering habitat of shorebirds in South America and seabirds in New Zealand). The Trustees would utilize U.S.-based monitors to ensure that key objectives are maintained. In addition, contracts would be structured to ensure that yearly tasks are completed and evaluated prior to release of additional funds.

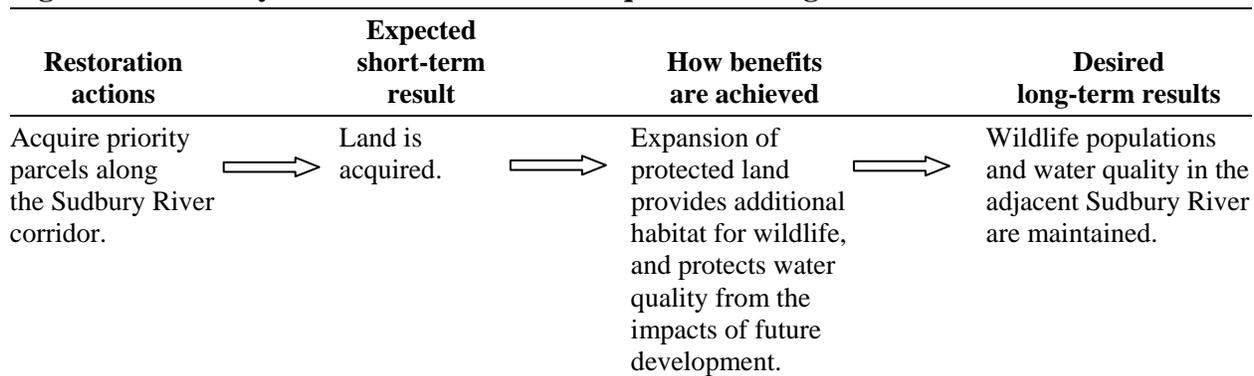
#### 4.4.3 Sudbury River Corridor Land Acquisitions

**Restoration objective:** To acquire high-priority parcels along the Sudbury River corridor that provide important natural resource benefits and are at risk of development. See Figure 21 for the project logic model.

**Table 10. Evaluation of Neotropical Connections project versus the Trustee criteria.**

Numbers in parentheses refer to the numbered list of criteria provided in Section 3.3. This table only includes criteria where the project was evaluated as particularly strong compared to other projects.

<b>High importance criteria</b>	<b>Evaluation strengths</b>
Proximity to injured resources (1)	Located outside the Sudbury River Watershed but will have a positive impact on the injured natural resources of the Sudbury River Watershed (migratory birds).
Relationship to injured resources (2)	Restores injured resources (migratory birds).
Magnitude of benefits and demonstrated need (3)	Addresses a demonstrated need and will maintain overwintering habitat available to neotropical migrants.
Measurable results (10)	Project results may be evaluated using quantitative or professionally accepted methods for documenting success of forest protection.
<b>Medium importance criteria</b>	
Community goals complemented (3)	Importance of neotropical birds to the biodiversity of the SuAsCo Watershed is recognized in the SuAsCo Biodiversity Protection and Stewardship Plan developed by the Sudbury Valley Trustees with funding from the EEA.
Avoidance of adverse impacts – ecological (2) and socioeconomic (4)	Project will avoid environmental impacts; socioeconomic impacts in Belize are expected to be positive.

**Figure 21. Sudbury River Corridor Land Acquisitions – logic model**

**Project location:** Project locations would be determined when parcels are selected.

**Project description:** The Trustees intend to use a portion of their settlement funding to acquire land parcels along the Sudbury River that are at risk of development and provide important natural resource benefits. The Trustees intend to solicit agencies, nonprofit organizations, and private citizens for proposed parcels for acquisition. The Trustees would then select parcels for acquisition funding based on the priority criteria they established for acquisition and funding limitations. Project sponsors would need to identify the agency or nonprofit organization that would hold the CR or acquire the land in fee title. The Trustees expect that land acquisitions funded through the Nyanza settlement will be consistent with the Route 495/MetroWest Corridor Plan, which identifies priority preservation areas as well as priority development areas (<http://www.495partnership.org/compact>). The Route 495 Plan is modeled after the South Coast Rail Plan that resulted in an Executive Order that directs “state agencies to review their policies, actions and investments to support and implement the recommendations of the Corridor Plan.” Similarly, the Trustees will review their actions to ensure consistency with the Route 495/MetroWest Corridor Plan.

The Trustees have already identified one candidate parcel. Raytheon owns a facility located on Route 20 in Wayland that is being redeveloped as the Wayland Town Center. The property includes a 5.5-acre riverfront parcel that has been used unofficially for years as an access point to the Sudbury River. The land adjacent to the river is forested wetland (red maple swamp) and wet meadow. It is adjacent to the Great Meadows NWR and is within the approved acquisition boundary of the refuge. The habitat types, access to the Sudbury River, and proximity to the established refuge render this an exemplary potential land acquisition. In this particular case, Raytheon is willing to donate this property, which will have river access on it, to a nonprofit or possibly the federal government. Funding is needed to pay for the transaction costs associated with the transfer.

The Trustees expect to solicit additional land protection proposals through a formal RFR made available online through the Commonwealth’s Procurement Access & Solicitation System (Comm-PASS; <http://www.comm-pass.com/>). Applicants will need to prepare a proposal with sufficient information for Trustee review and evaluation, including a map of the project location and boundaries, an opinion of value (a certified appraisal will not be required at this stage), an estimated cost of performing due diligence for the parcel (e.g., appraisal, survey, and site assessment), and a description of the project’s feasibility and how land protection for the parcel would meet the Trustee review criteria.

The Trustees have identified a number of important attributes for reviewing and prioritizing habitat protection projects. Final selection of parcels will be based on an analysis that considers a variety of factors, including:

- ▶ Degree of nexus to injured natural resources
- ▶ Context of surrounding land use and land protection status (e.g., Does the parcel provide an opportunity to avoid habitat fragmentation or protect a wildlife corridor?; Does surrounding land use threaten the resource value of a parcel?)
- ▶ Whether the parcel has already been identified as a high priority for protection in existing local or regional land-use planning documents [e.g., Is the area designated by federal or state agencies as warranting special protection such as rare species (Biomap2) or ACECs?; Is it consistent with municipal open space plans/master plans?]
- ▶ Type and condition of natural resource benefits provided by the parcel (e.g., Is there evidence of rare species or habitat?; Are there exemplary natural communities?; Does it protect a coldwater fisheries resources?; Does it receive high values on an Index of Ecological Integrity?)<sup>5</sup>
- ▶ Nature and likelihood of development threats (e.g., Is there a demonstrated level of threat to the resources?; Is there a threat to neighboring lands that would reduce the value of the protected parcel?)
- ▶ Cost of protection, based on the best mechanism for land protection for that parcel (e.g., acquisition, CR, or land transfer; Can the parcel be protected at a fair price for its size and location?; Is there an opportunity for leveraging additional resources?)
- ▶ Long-term maintenance and management needs [e.g., Will public access be allowed?; If so, is the management and degree of public access consistent with resource protection?; What is the potential for future management problems and costs?; Are there on-site resources (cultural or archaeological) that need to be preserved?].

**Expected benefits and timeframe of benefits:** The primary desired benefit of the project is the protection of upland, wetland, riparian, and floodplain habitat values and protection of water quality from the impacts of development. Project benefits will begin immediately after acquisition and will last indefinitely because the land will be permanently protected from

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5. A statewide assessment of ecological integrity was completed in November 2011 using the Conservation Assessment and Prioritization System (CAPS). Maps and additional information are available at: [http://www.masscaps.org/data\\_maps/index.html](http://www.masscaps.org/data_maps/index.html).

development. For the Raytheon parcel, the primary benefit is the protection of forested wetland and wet meadow habitat values resulting from the ability of the USFWS to protect and manage the parcel in an integrated manner with adjacent NWR land.

**Brief overview of maintenance and monitoring:** Maintenance or monitoring activities for the land would be specified as part of the conditions for acquisition. The Trustees are expected to favor parcels where minimal management activities would be needed.

**Probability of success:** The probability of success is high because preliminary analysis has identified multiple parcels along the Sudbury River that are potential targets for acquisition.

**Environmental and socioeconomic consequences:** The project is expected to have positive environmental consequences by protecting upland, wetland, riparian, and floodplain habitats within the Sudbury River Watershed.

**Estimated costs:** The cost for each parcel is unknown. For the Raytheon parcel, the estimated cost is \$20,000 for land transaction and due diligence costs, including survey, contaminants review, and title clearance.

**Trustee evaluation and proposed allocation:** This project is proposed as both a Tier 1 and Tier 2 project with \$720,000 in implementation funding from the NRD settlement for Tier 1 and \$700,000 for Tier 2. The project was evaluated favorably (Table 11) because of the importance of protecting riparian and floodplain habitat for the direct benefit to injured resources and for indirect benefit to injured aquatic resources.

#### 4.4.4 Creation of Stearns and Brackett Reservoirs Wildlife Preserve

**Restoration objective:** To protect the Stearns and Brackett reservoirs, shoreline, and surrounding land from development or unauthorized uses; to develop and implement an appropriate stewardship plan; to enable public access and recreation that is consistent with the stewardship plan; and to promote public education regarding the Site, its impacts, remedial cleanup, and NRD restoration efforts. See Figure 22 for the project logic model.

**Project location:** Framingham Reservoirs #1 and #2; also referred to as the Stearns and Brackett reservoirs. See Figure 22 for location.

**Project description:** This project would consist of a series of actions to transform the Stearns and Brackett reservoirs, including approximately 12 miles of shoreline and 175 acres of surrounding state-owned land (Figure 23), into a wildlife preserve that will protect and enhance the ecological values of the reservoirs and enable public access for recreation and education. NRD funding is needed to enable the change in management from a water supply stewardship of the reservoirs to management of ecological resources and public access for recreation.

**Table 11. Evaluation of Sudbury River Corridor Land Acquisitions project versus the Trustee criteria.** Numbers in parentheses refer to the numbered list of criteria provided in Section 3.3. This table only includes criteria where the project was evaluated as particularly strong compared to other projects.

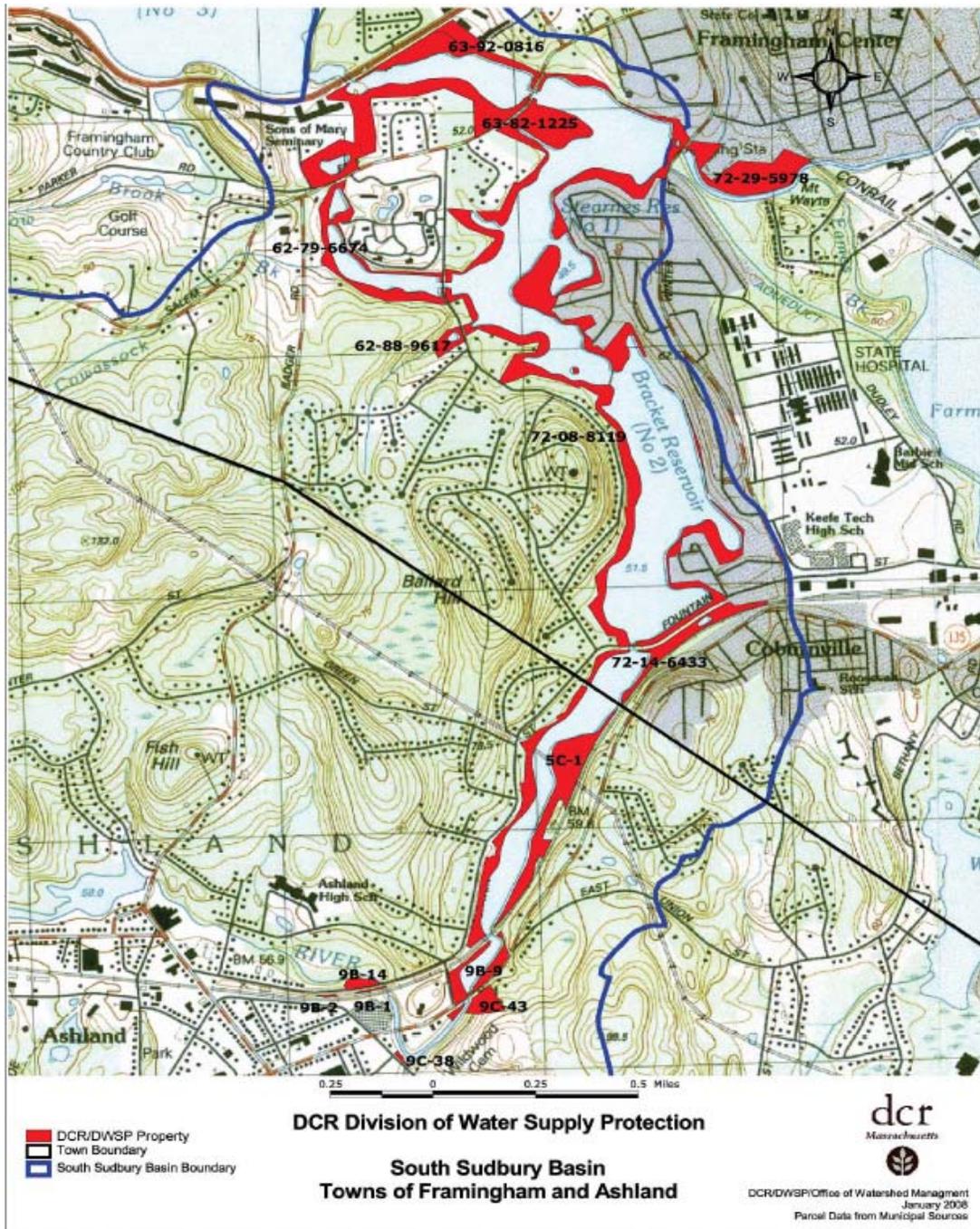
<b>High importance criteria</b>	<b>Evaluation strengths</b>
Proximity to injured resources (1)	Located in the Sudbury River Watershed. High priority parcels for acquisition will likely be located near or adjacent to the Sudbury River mainstem.
Relationship to injured resources (2)	Acquires the equivalent of injured resources (wetland, riparian, and aquatic habitat) as direct compensation for the injuries that occurred and/or acquires upland habitat to prevent future degradation of injured resources (wetland, riparian, and aquatic habitat).
Magnitude of benefits and demonstrated need (3)	Addresses a demonstrated need because of the strong development threats in the area and will help protect the river corridor. The importance of protecting land for the health of fish and wildlife on the Great Meadows NWR is noted in the Great Meadows NWR Comprehensive Conservation Plan (USFWS, 2005b). The Atlantic Coast Joint Venture Waterfowl Management Plan (ACJV, 2005) notes a need to acquire more habitats to protect river corridors. The Sudbury, Assabet and Concord Wild and Scenic River Study River Conservation Plan (NPS, 1995) notes the need to pursue the purchase of important river-related lands from willing sellers if parcels come on the market and funding is available.
Sustainability of benefits (5)	Protection of habitat in perpetuity will result in long-term, self-sustaining benefits.
Technical/Technological feasibility (6)	Project will employ well-known and accepted techniques (land acquisition) to achieve stated ecological objectives.
Reasonableness of costs (7)	Trustees will select parcels for acquisition that provide a high ratio of expected benefits to expected costs.
<b>Medium importance criteria</b>	
Multiple benefits (1)	Provides multiple benefits to species, natural resource types, and services by protecting all the different values of a parcel.
Avoidance of adverse impacts – ecological (2) and socioeconomic (4)	Has little to no potential for significant adverse environmental or socioeconomic impacts. No disturbances are associated with property transfer.
Community goals (3)	Community goals will be complemented because the Trustees will consider local or regional land-use planning documents, including municipal open space plans/master plans as a factor in parcel selection.

**Figure 22. Creation of Stearns and Brackett Reservoirs Wildlife Preserve – logic model**

<b>Restoration actions</b>	<b>Expected short-term result</b>	<b>How benefits are achieved</b>	<b>Desired long-term results</b>
Transfer land to Division of State Parks and Recreation; select entity to hold a 99-year conservation lease; complete and implement a stewardship plan; enable safe public access for boating and recreation; promote public education about the Site.	⇒ Land is managed for conservation and recreation; public accesses reservoirs for boating and recreation; knowledge of the Site and the Sudbury River increases.	⇒ Development of areas is prevented; habitat improved by reducing or eliminating encroachments and controlling invasive species. Boat ramps and access points enable public recreational use of the reservoirs. Educational materials promote public recreation and stewardship.	⇒ Stearns and Brackett reservoirs are protected. Riparian habitat condition improves; erosion decreases in riparian areas. Public values the reservoirs as important locations for boating, recreation, and experience of nature.

The project includes five elements:

1. Establishing the legal ability to allow public access to these lands and transfer management to a nonprofit organization or other appropriate entity
2. Completing a stewardship plan that contains the information necessary to manage the area adequately as a wildlife preserve
3. Developing boat access to the reservoirs and appropriate educational signage and interpretive materials
4. Helping to create management facilities
5. Providing initial funding for implementation of the stewardship plan.



**Figure 23. Stearns and Brackett reservoirs and surrounding lands currently managed by the MA DCR Division of Water Supply Protection and proposed for transfer to conservation entity and public access.**

Source: Map prepared by the MA DCR Division of Water Supply Protection.

**Site description and history:** The Brackett Reservoir (also known as Framingham Reservoir #2) is an impoundment on the Sudbury River located in Framingham, Massachusetts. Water flows from the Brackett Reservoir into the Stearns Reservoir (also known as Framingham Reservoir #1) and then continues to flow north into the Sudbury River. The two reservoirs, originally developed in the 19th century as a drinking water supply for the Boston area, have not been used as a drinking water source for decades. The reservoirs and the surrounding 175 acres are owned by the Commonwealth of Massachusetts and are currently managed by the MA DCR, Division of Water Supply Protection. Public use of and access to the two reservoirs are currently prohibited until the Division of Water Supply Protection can find a suitable entity to take control of the lands surrounding the Stearns and Brackett reservoirs and manage the property (MA DCR, 2010).

The Brackett Reservoir contains the surface water that received the largest deposition of mercury and other contaminants from the Nyanza Superfund Site. Based on a risk assessment of the site, EPA concluded that exposure to mercury in fish caught and consumed from the Brackett Reservoir or Stearns Reservoir represented a potential risk to individuals under different fish consumption scenarios<sup>6</sup> (Avatar Environmental, 2006; U.S. EPA, 2010). EPA (U.S. EPA, 2010) also determined that human health risks from direct contact (e.g., swimming, wading, walking) or incidental ingestion of surface water or sediment was well below the level that would constitute a significant risk. In part, because of the contamination from the Site, the Division of Water Supply Protection does not intend to use these reservoirs as a source of drinking water in the future and has a stated goal of divesting the Division of Management of these properties (MA DCR, 2010).

### **Element 1 – Establish Ability to Allow Public Access and Transfer Management to a Nonprofit Entity**

As stated above, the two reservoirs and surrounding state-owned land are under the control of MA DCR's Division of Water Supply Protection. The Commonwealth has expressed a goal of divesting its holdings of this area either through transfer of management to an interested conservation entity or, potentially, by selling the property. As a part of this NRD-funded project, the MA DCR Commissioner would authorize an internal management transfer of these 175 acres from the Division of Water Supply Protection to the Division of State Parks and Recreation; this land would then be considered an official wildlife preserve. The next step will be for state officials to draft a RFR for a 99-year conservation lease that would preclude the possibility of opening the lands for development. The involved state agencies would also work to file and pass

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6. Specifically, the risk assessment concluded: “[t]he exposure to mercury levels in fish caught and consumed from Reach 3 (Reservoir No. 2) represents a potential risk to individuals for all fish consumption scenarios evaluated. The exposure to mercury levels in fish caught and consumed from Reach 4 (Reservoir No. 1) represents a potential risk to individuals in all fish consumption scenarios evaluated except for the adult recreational angler scenario” (Avatar Environmental, 2006).

the legislation necessary to approve the lease. This element would be completed without expenditure of NRD funds.

### **Element 2 – Complete a Stewardship Plan**

A Stewardship Plan for the reservoirs and surrounding areas is needed to enable long-term conservation and management of the area as a wildlife preserve. The Stewardship Plan would include an inventory of the existing natural communities, long-term management requirements, and locations and impacts of any public access facilities. The plan would also include the survey of shorelines completed by MA DCR engineers and would address locations where private landowners have encroached onto public land. A key goal of the Stewardship Plan will be to resolve identified encroachments. The plan would identify any activities in the Sudbury River or on its banks that could lead to resuspension of contaminated sediments. Consultation with the EPA and appropriate state health authorities would be conducted to ensure that any planned activities would not impact public or environmental health.

### **Element 3 – Develop Boat Access and Appropriate Educational Materials**

This element includes development of boat access to the Stearns and/or Brackett reservoirs. The Trustees anticipate developing one boat launch on each reservoir; however, this estimate may be revised based on further review of costs and appropriate locations. The DFG's Office of Fishing and Boating Access has pledged to provide design and permitting services, assistance with construction funding if needed, and construction inspection for at least one appropriately sited boating access facility as part of this project.

The boat launches would include the design, construction, and installation of public information signs or kiosks (not electronic) that provide information about the Site, its impacts on the Sudbury River, fish advisories (in multiple languages), remedial cleanup, and NRD restoration efforts that have been planned and implemented. The kiosks would present some information using a permanent format. Seasonal information about topics such as stormwater and educational and recreational programs along the river would be provided within a weather-proof case to allow for updates.

### **Element 4 – Create Safe Public Access and Management Facilities**

A complex of buildings at 322 Salem End Road would be an excellent location for safe public access and to develop the necessary management facilities that would be required for good stewardship of the area as a wildlife preserve. The state has proposed rehabilitating the historic building and associated structure into an education center and offices. This project includes funding targeted only for creation of safe public access and facilities directly needed to manage the wildlife preserve.

## **Element 5 – Implement Stewardship Plan and Manage Wildlife Preserve**

This element includes funding for initial implementation of the Stewardship Plan and management of the wildlife preserve for five years. Activities expected to be implemented include signage and access development, habitat restoration and enhancement, volunteer coordination, public education, liaison with EPA on Brackett Reservoir remediation, invasive plant removal, trail building, and erosion control. The objective is to provide “seed money” and time to enable the nonprofit group holding the conservation lease to raise funding to endow long-term management.

**Expected benefits and timeframe of benefits:** Benefits include protection of the reservoirs and surrounding land that is otherwise at risk of being surplus to an entity that would not protect the land and enable public access. The Commonwealth of Massachusetts will continue to own the property in perpetuity for conservation purposes. Transfer of land to a nonprofit entity with a 99-year conservation lease will enable the property to be accessible to the public and facilitate the completion of restoration and stewardship projects. Additional benefits include removal of encroachments in the riparian area and management of natural habitat through invasive plant removal and erosion control. By enabling public access to the reservoirs for boating and recreation (with fishing limited to catch-and-release), this project also will provide significant public recreational benefits. Public education would be enhanced through the signage planned for the boat access locations.

Transfer of land to a nonprofit entity with a 99-year conservation lease is expected to occur in Year 1 after funding is received. Construction of boat ramps, public access, and educational materials is expected to occur in Year 2. Implementation of management and stewardship is expected to occur in Years 2–6. The recreational benefits of creating legal public access will last indefinitely into the future. Removal of encroachments also will result in benefits to riparian and aquatic habitats, including decreased erosion. Maintenance of stewardship and maintenance of the public education displays is expected to occur during the full 99-year conservation lease; however, this depends on the designated nonprofit entity receiving additional funding.

**Brief overview of maintenance and monitoring:** Semi-annual implementation monitoring would be conducted until the project is complete. This monitoring would confirm that project permitting and implementation activities are proceeding on schedule and in accordance with project plans. If wetland restoration activities require an Order of Conditions under the Massachusetts WPA, then a typical order would require monitoring of restoration measures to ensure that a community dominated by native wetland plants reestablishes within two years following implementation. This monitoring would follow standard procedures for assessing vegetation cover and health.

The Trustees also would request annual reports for five years. These reports would detail stewardship and management activities that occurred, and estimating the levels of public recreational use of the reservoirs. The holder of the conservation easement would be responsible for long-term management and stewardship of the wildlife preserve.

**Probability of success:** This project requires the state to successfully conclude the internal management transfer of the lands to the Division of State Parks and Recreation and successfully find a qualified entity to hold the 99-year conservation lease. The long-term success of the project is dependent on the nonprofit entity's ability to maintain management and stewardship of the wildlife preserve. This project has a high probability of success for the successful inter-agency transfer of land, the creation of public access, the development of educational materials, and the successful removal of riparian encroachments during the first five years of funding. The likelihood that the nonprofit entity will be able to find funding for long-term management and stewardship is unknown.

**Environmental and socioeconomic consequences:** Environmental consequences are anticipated to be minor during construction of public access and removal of encroachments, including temporary disturbance of wetland habitat. The long-term environmental consequences are anticipated to be a net benefit after removal of the shoreline encroachments. Protection of the land will provide (1) a positive environmental benefit by eliminating the risk of development to these lands, and (2) a positive socioeconomic benefit by providing public access to the reservoirs and surrounding state-owned lands.

**Expected permitting and legal requirements:** Permitting will be required for the proposed project. At a minimum, filing an NOI with the relevant Conservation Commission would be required for the proposed boat ramps. Delineation and survey of wetland resource areas would be required for preparation of the NOI. The Conservation Commission would then issue an Order of Conditions, which would be filed for the property in the Registry of Deeds. If the proposed work results in more than 5,000 square feet of wetlands disturbance, additional permits from the MassDEP and the USACE may be required. There are additional legal requirements associated with the interagency transfers and the need for legislation to be filed and passed to approve the conservation lease.

**Estimated costs:** The total costs for the project are estimated at \$705,000, including \$50,000 for developing the stewardship plan and \$655,000 for implementing the stewardship plan. These implementation costs include \$150,000 for developing boat access and educational signage; \$90,000 for providing safe public access and necessary management facilities; \$165,000 for further development of the complex of buildings at 322 Salem End Road; and \$250,000 for staffing for five years that will implement, oversee, and monitor stewardship and restoration activities.

**Trustee evaluation and proposed allocation:** This project is proposed as a Tier 1 project with \$540,000 coming from the NRD settlement to fund all aspects of the project except for further development of the building complex at 322 Salem End Road. The funding needed to develop the 322 Salem End Road building complex for further use is not included in this proposal. The Trustees evaluated this project favorably (Table 12) because it benefits riparian habitat within the site boundaries. The benefits will restore recreational use to resources that were injured by the releases of hazardous substances at the site. The Trustees also gave this project a high rank because it will provide both protection and public access to the reservoirs and surrounding land.

**Table 12. Evaluation of Creation of Stearns and Brackett Reservoirs Wildlife Preserve project versus the Trustee criteria.** Numbers in parentheses refer to the numbered list of criteria provided in Section 3.3. This table only includes criteria where the project was evaluated as particularly strong compared to other projects.

<b>High importance criteria</b>	<b>Evaluation strengths</b>
Proximity to injured resources (1)	Located within the Site boundary. This project includes areas with injured resources.
Relationship to injured resources (2)	Conserves and restores resources (riparian and floodplain) equivalent to those that were injured.
Magnitude of benefits and demonstrated need (3)	Addresses a need for protection of the reservoirs and surrounding land and enabling public access to large surface-water bodies for recreation.
Technical/technological feasibility (6)	Employs well-known and accepted techniques to achieve ecological objectives. Legal transfer should be feasible and stewardship of wildlife preserve can be achieved with standard natural resource management methods.
Implementation-oriented (8)	Project is dedicated to on-the-ground habitat restoration, recreational access, and education.
<b>Medium importance criteria</b>	
Avoidance of adverse impacts – ecological (2) and socioeconomic (4)	Has little to no potential for long-term adverse environmental or socioeconomic impacts. Potential impacts from work in riparian habitat to create boat launches or public access will be mitigated with BMPs and revegetation of any impacted areas.
Stewardship and public education (socioeconomic benefit) (5)	Provides an opportunity for continued stewardship of the reservoirs through partnership with a conservation entity that would hold the conservation lease. Provides for public education through kiosks and educational materials.

## 4.5 Proposed Alternative – Recreation and Public Access

The Nyanza NRD Trustee Council proposes to provide a total of \$313,000 in Tier 1 funding for three projects in the restoration priority category of Recreation and Public Access. Collectively, these projects will improve fishing and boating access to the Sudbury River and improve pedestrian access to views of the Sudbury River and its adjoining floodplain habitat. The Trustee Council's goal in this restoration project category is to increase recreational services associated with the river for on-water activities (fishing and boating) and for land-based recreational uses that are adjacent to the river. These actions will compensate for recreational services that were impacted by releases of hazardous substances from the Site, including the imposition of fishing consumption advisories in the Sudbury River.

### 4.5.1 Sudbury River Public Access: Aikens Road

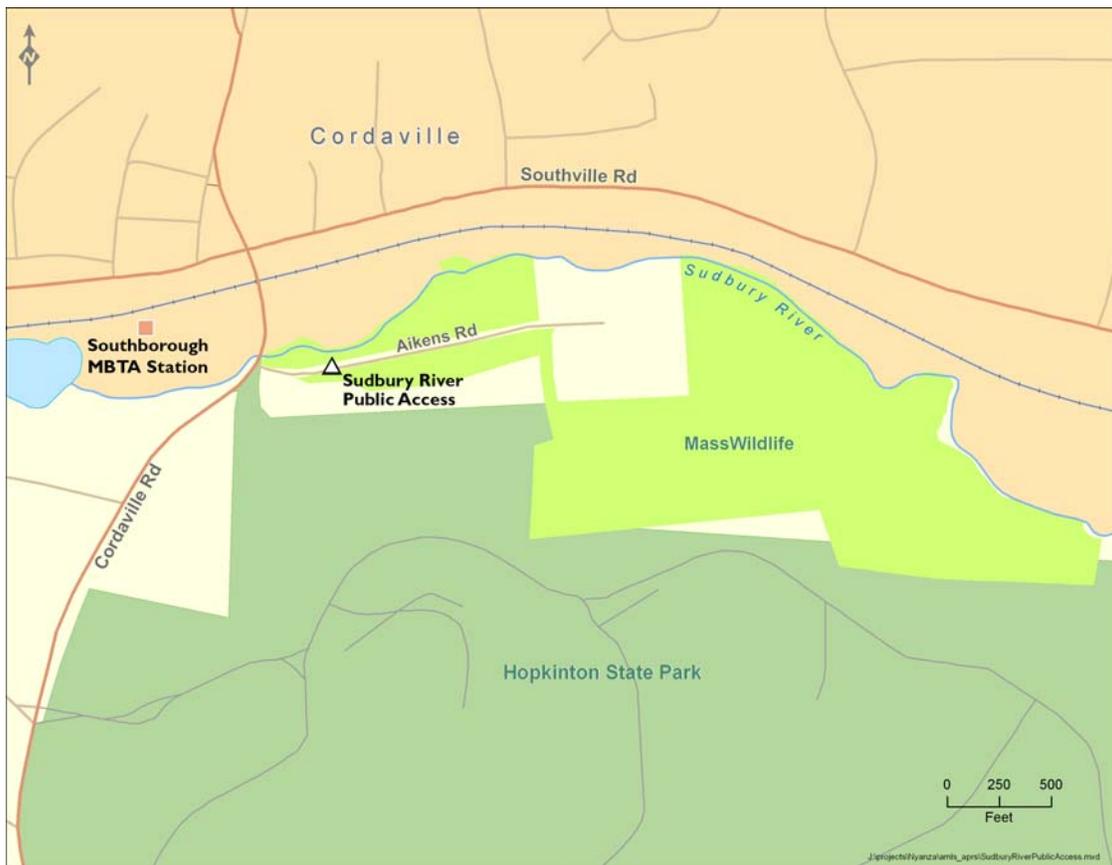
**Restoration objective:** To improve fishing and boating access to a 2.5-mile reach of the Sudbury River at Aikens Road in Ashland. See Figure 24 for the project logic model.

**Figure 24. Sudbury River Public Access: Aikens Road – logic model**

Restoration actions	Expected short-term result	How benefits are achieved	Desired long-term results
Construct a fishing and cartop boating access point with parking on public land.	⇒ Access point is open to the public.	⇒ Individuals use the access point for fishing and boating on the Sudbury River.	⇒ Recreational use services on the Sudbury River in Ashland increase.

**Project location:** South side of the Sudbury River. See Figure 25 for project location map.

**Project description:** Currently, fishing and boating access to the upper reaches of the Sudbury River are limited. The Massachusetts OFBA maintains two cartop boating access areas in Ashland, one at Pine Hill Road and one at High Street. However, upstream from High Street, the river passes through a relatively undeveloped area. The few road crossings provide poor access to the river, with informal roadside parking that poses a safety hazard, and little public land that can accommodate fishing or boating access. The Sudbury River Watershed Organization and other stakeholder groups advocated for full recreational access to a millpond in the Sudbury River adjacent to the new Southborough Massachusetts Bay Transportation Authority (MBTA) commuter rail station when the station was being developed; however, this public access point never materialized, disappointing interested parties.



**Figure 25. Location of Sudbury River Public Access: Aikens Road project.**

However, MassWildlife owns approximately 57 acres east of Cordaville Street, south of and along the Sudbury River, within 500 yards of the Southborough MBTA commuter rail station. Aikens Road, a public road, passes through this property to a single-family residence that remains on a 10-acre lot surrounded by MassWildlife parcels. To the south is Hopkinton State Park.

The MassWildlife property provides a potential location for fishing and cartop boating access. Access in this area is currently limited to the Cordaville Street (Route 85) bridge, which is currently an informal access point. Informal parking for approximately three to four cars is currently available, although it is located on the inside of a road curve with poor visibility. Little opportunity currently exists for carrying or launching a boat at this location. The north side of Aikens Road along the river could be widened slightly to accommodate vehicular parking, and a walking path could be formed down the bank to the river to provide access. These improvements

would increase capacity for users as well as provide a safer location for access. It appears that use has been limited in the past because the public does not know that the area is available for access.

From this location, a paddler would be able to travel approximately 2.5 miles downstream to the next formal river access site at High Street in Ashland, which is also maintained by OFBA. There are two minor potential obstructions for paddling, including a longstanding beaver dam less than one-half mile downstream, and a series of riffles approximately one mile downstream (upstream of an MBTA bridge). It appears to be possible to portage around both obstructions on public property, and one or both of them could potentially be navigable under certain flow conditions.

Use of the MassWildlife property for river access is generally consistent with the purpose of these public lands, which are intended for recreation, fishing, hunting, and public access, rather than conservation. Dedication of a relatively small portion of this property to improve access is consistent with these uses.

OFBA has established criteria and preferred design and construction methods for cartop access points that would apply to the proposed project. The major goals include providing access areas that require little or no maintenance, providing access for disabled persons, and being cost-effective to construct. The following design criteria generally meet these goals:

- ▶ Providing access pathways with grades of 5% or less, using switchbacks if necessary, and widths of 5 to 6 feet.
- ▶ Construct parking areas and foot paths of a well-graded, erosion-resistant granular material. OFBA has used a dense-graded crushed stone with success in the past. Other potential materials include finer-grained material, such as stone dust, which can be bound with a stabilizing product.
- ▶ Provide signage to divert users from the existing informal access area to the new, formal access area.
- ▶ Provide 6 to 10 parking spaces.
- ▶ Install bollards at path heads to prevent vehicular access.

OFBA can design and obtain permits for these types of projects. However, OFBA personnel resources are limited, such that the design by a consultant with review and comment by OFBA is preferred.

**Expected benefits and timeframe of benefits:** Benefits include providing safe fishing access along the upper Sudbury River, thereby reducing the use of a popular but relatively unsafe

fishing location, and providing improved boating access to a 2.5-mile reach of the Sudbury River that is currently difficult to access. Benefits are expected immediately following construction, and the facility will be usable indefinitely.

**Brief overview of maintenance and monitoring:** The Trustees would request semi-annual implementation monitoring updates until the project was completed. After completion, OFBA projects are designed to be low maintenance and require little monitoring, and site maintenance is turned over to a managing authority post-construction. In this case of the proposed Sudbury River access location on Aikens Road, the Northeast District of MassWildlife would be the managing authority and is able to perform maintenance on an as-needed basis (P. Huckery, MassWildlife Northeast District Manager, personal communication, May 5, 2010). The Trustees may choose to conduct a formal or informal survey of public use at the site (possibly through cooperation with a local watershed group) to evaluate the benefits of the access point.

**Probability of success:** Very good. A potential risk would be that the new access site does not effectively replace the current informal access locations, and is underused. This risk can be reduced through installation of signage at the informal access points informing river users of the new access location nearby on Aikens Road, and signs on Aikens Road clearly indicating the new access location.

**Environmental and socioeconomic consequences:** The environmental consequences of this proposed project are minor. Tree clearing and minor grading along the banks of the Sudbury River will require filing of an NOI with the local Conservation Commission. However, the project will have minor impacts considering that the scope of the project is limited. Additionally, the project will promote and improve water-dependent uses of the river, which will qualify as a “Limited Project” under the Massachusetts WPA, allowing the issuing authority to consider reduced performance standards.

From a socioeconomic perspective, river access is now generally limited by privately owned land, the MBTA rail line, and public land with no formal access. The project will improve access for many in the community, resulting in socioeconomic benefits from enhanced usage.

**Estimated costs:** Approximately \$25,000 for survey, design, and permitting; plus approximately \$120,000 for construction; for a total cost of \$145,000.

**Trustee evaluation and proposed allocation:** This project is proposed to receive \$145,000 in funding in Tier 1 for completion of the recreational access. The project was evaluated favorably versus the Trustee evaluation criteria because of its focus on restoring fishing and boating access to the Sudbury River in Ashland, in areas where recreational services were impacted by releases of hazardous substances at the Site. Because of the great potential benefit for the public in the area, the Trustees evaluate this project favorably (Table 13).

**Table 13. Evaluation of Sudbury River Public Access: Aikens Road project versus the Trustee criteria.** Numbers in parentheses refer to the numbered list of criteria provided in Section 3.3. This table only includes criteria where the project was evaluated as particularly strong compared to other projects.

<b>High importance criteria</b>	<b>Evaluation strengths</b>
Proximity to injured resources (1)	Provides access to the Sudbury River mainstem in close proximity to impacted environment.
Relationship to injured resources (2)	Restores injured resource services by creating additional river access sites for fishing and recreational boating.
Magnitude of benefits and demonstrated need (3)	Addresses a demonstrated need for improved access to the Sudbury River in this locale.
Sustainability of benefits (5)	Project will require only periodic maintenance or management to provide continuing benefits.
Technical/Technological feasibility (6)	Employs well-known and accepted techniques to achieve ecological objectives. The Massachusetts OFBA has extensive experience implementing this type of project.
Leveraging of additional resources (9)	Opportunity to potentially leverage in-kind design and permitting services through the Massachusetts OFBA.
Measurable results (10)	Project delivers tangible social and/or human use results that may be evaluated using quantitative or professionally accepted methods.
<b>Medium importance criteria</b>	
Avoidance of adverse impacts – ecological (2) and socioeconomic (4)	Has little to no potential for significant adverse environmental or socioeconomic impacts. Disturbances associated with construction of the access point will be minimal.
Community goals (3)	Complements the management objectives of the SuAsCo River Watershed Action Plan, which calls for increased public access to waterways (Ambient Engineering and SuAsCo Watershed Community Council, 2005).

#### 4.5.2 Sudbury River Access Improvements: Great Meadows NWR Headquarters

**Restoration objective:** To improve boater access to the Sudbury River at the Great Meadows NWR headquarters in Sudbury and reduce overcrowding at the Shermans Bridge Road access location. See Figure 26 for the project logic model.

**Project location:** At the Great Meadows NWR headquarters in Sudbury. See Figure 9 for location of Sherman Bridge Road and the Great Meadows NWR headquarters.

**Figure 26. Sudbury River Access Improvements: Great Meadows NWR Headquarters – logic model**

Restoration actions	Expected short-term result	How benefits are achieved	Desired long-term results
Provide canoes, kayaks, and boat carts to the public at the Great Meadows NWR headquarters.	Visitors use the equipment to access the Sudbury River.	Popularity of the Great Meadows NWR headquarters as an access point increases.	Recreational use services on the Sudbury River increase and recreational conflicts and resource impacts at Shermans Bridge Road decrease.

**Project description:** The Great Meadows NWR headquarters provides direct access to the Sudbury River down an approximately ¼-mile walking path. However, this access point is rarely used by boaters because of the need to carry boats a long distance from the parking lot. In addition, visitors to the NWR who do not own a boat are unable to access the river for recreation.

This project involves purchasing two canoes, two kayaks, and three boat carts (and appropriate personal floatation devices, paddles, etc.) for visitors to use at the NWR headquarters. NWR would establish a system for allowing access to the equipment. NWR staff have indicated their interest and support of this project. Initially, the equipment may only be available on weekdays when refuge staff would be present to help “check out” the equipment. NWR is planning to work on a system that would also allow equipment access on the weekends. The refuge is open daily from sunrise to sunset.

**Expected benefits and timeframe of benefits:** The project is anticipated to benefit members of the public who desire improved recreational access to the Sudbury River, as well as individuals who do not own boats and would like to experience canoeing or kayaking. Benefits will begin as soon as the equipment is purchased and made available and individuals start to access the equipment.

**Brief overview of maintenance and monitoring:** Boats and equipment are likely to need periodic maintenance and replacement. The budget includes a line item for replacement, assuming that some degree of loss will occur. Monitoring the frequency of equipment use can be done by NWR staff. This monitoring would determine whether the project is successfully increasing recreational boating at the Great Meadows NWR headquarters.

**Probability of success:** The probability of success and demand for this equipment is unknown but likely to be high, given the popularity of the nearby Sherman Bridge Road for boating access and the difficulty of obtaining parking at that location during popular times.

**Environmental and socioeconomic consequences:** There would be no environmental consequences associated with this project. The project has the potential to have a positive socioeconomic consequence if the equipment use enhances recreational experiences and decreases conflicts and traffic at Sherman Bridge Road.

**Estimated costs:** The estimated cost for purchase of four boats and related equipment is approximately \$4,300. The cost for purchase of three heavy-duty boat carts with large stainless steel name plates (to reduce theft) is approximately \$1,100. The project also includes a 30% maintenance or replacement contingency of \$1,600, for a total project cost of \$7,000. USFWS would provide in-kind services associated with storing, maintaining, and developing a process for lending out the equipment.

**Trustee evaluation and proposed allocation:** This project is proposed to receive \$7,000 in funding in Tier 1. The Trustees evaluated this project favorably because of its focus on improving fishing and boating access in a popular location and its low cost (Table 14).

#### 4.5.3 Red Maple Trail: Boardwalk and Wildlife Observation Platform Construction

**Restoration objective:** To improve pedestrian access on a popular woodland walking trail at the Great Meadows NWR headquarters that overlooks the Sudbury River and floodplain habitat. See Figure 27 for the project logic model.

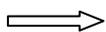
**Project location:** Adjacent to the Great Meadows NWR grounds in Sudbury, along the alignment of the existing Red Maple Trail.

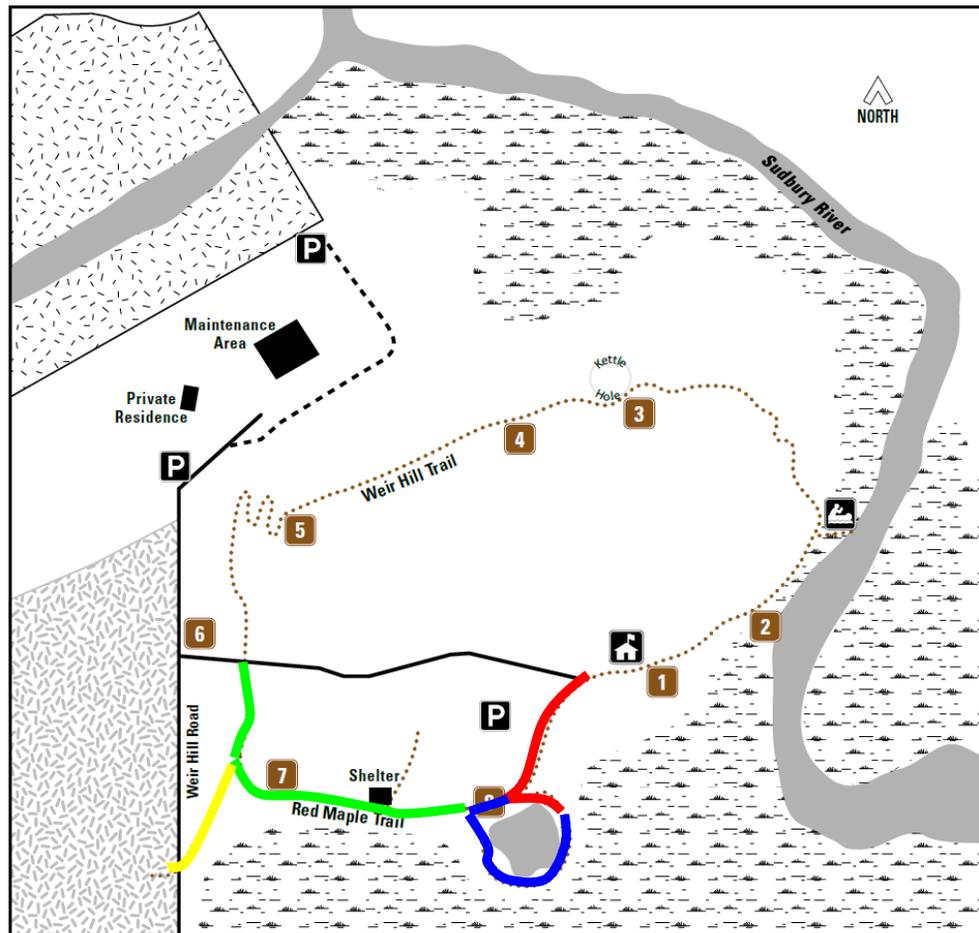
**Project description:** Significant scenic and educational opportunities are available at the Great Meadows NWR headquarters area in Sudbury. The area contains a trail network with interpretive stations, a shelter used to host educational events, scenic views and access to the Sudbury River, and a variety of habitat and ecological resources. The Red Maple Trail begins at the refuge headquarters parking area, travels south around a small excavated pond, and then continues west. A north branch from a split in the trail crosses the headquarters access road, and a west branch meets Weir Hill Road. A second trail, the Weir Hill Trail, begins at the refuge headquarters building, follows the Sudbury River in an easterly direction, then turns northwest, passing over Weir Hill. The trail then parallels Weir Hill Road, crosses the headquarters access road, and joins with the Red Maple Trail (Figure 28).

**Table 14. Evaluation of Sudbury River Access Improvements: Great Meadows NWR Headquarters project versus the Trustee criteria.** Numbers in parentheses refer to the numbered list of criteria provided in Section 3.3. This table only includes criteria where the project was evaluated as particularly strong compared to other projects.

<b>High importance criteria</b>	<b>Evaluation strengths</b>
Proximity to injured resources (1)	Provides access to the Sudbury River mainstem in an area that was impacted by releases from the Site.
Relationship to injured resources (2)	Restores injured resource services by improving access for fishing and recreational boating.
Magnitude of benefits and demonstrated need (3)	Addresses a demonstrated need for improved access to the Sudbury River in this locale. The Great Meadows NWR Comprehensive Conservation Plan (USFWS, 2005b) notes the need to build a public that understands, appreciates, and supports refuge goals for wildlife by providing opportunities for canoeing and kayaking to enhance opportunities for wildlife observation, photography, fishing, and hunting.
Reasonableness of costs (7)	Provides a high value of expected benefit to expected cost because of the low cost of the project and the opportunity to benefit hundreds of visitors.
Measurable results (10)	Project benefits can be evaluated using quantitative or professionally accepted methods by surveying visitor use of boat carts.
<b>Medium importance criteria</b>	
Avoidance of adverse impacts – ecological (2) and socioeconomic (4)	Has little to no potential for significant adverse environmental or socioeconomic impacts.
Community goals (3)	Complements the Great Meadows NWR Comprehensive Conservation Plan (USFWS, 2005b), which includes a strategy to provide opportunities for canoeing and kayaking on the Concord and Sudbury rivers to enhance opportunities for wildlife observation, photography, fishing, and hunting.

**Figure 27. Red Maple Trail: Boardwalk and Wildlife Observation Platform Construction – logic model**

<b>Restoration actions</b>	<b>Expected short-term result</b>	<b>How benefits are achieved</b>	<b>Desired long-term results</b>
Construct a boardwalk and wildlife observation platform. 	Individuals use the boardwalk and platform. 	Trail accessibility increases visitor contact with the river and adjacent floodplain resources. 	Recreational use services on the Sudbury River increase through enhanced participation and enjoyment.



# Great Meadows

*National Wildlife Refuge*

Proposed Red Maple Trail Boardwalk Construction Phases:

- Phase I
- Phase II
- Phase III
- Phase IV

Legend			
.....	Trail		Marsh
1 8	Trail Stations		Water
—	Roads		Pantry Brook Wildlife Management Area
- - - -	Seasonal Road		Sudbury Valley Trustees Round Hill, public and dogs welcome on SVT trails
	Refuge Headquarters		
P	Parking		
	Canoe Landing		

**Figure 28. Proposed phased construction for Red Maple Trail boardwalk.** Trail brochure map used with permission of the Great Meadows NWR.

Access to portions of the trail network can be difficult for the public. The Weir Hill Trail is steep as it passes over Weir Hill, so it is less accessible during some times of the year and to some people. Access on the Red Maple Trail can also be problematic. The red maple swamp that the trail passes through is low-lying, so it is often flooded, and muddy areas persist throughout much of the year. Additionally, tree roots pose a tripping hazard in many areas.

While these two trails in their current form provide adequate unimproved access to many members of the public, the refuge headquarters currently has limited outdoor facilities that are Americans with Disabilities Act (ADA) compliant. Upgrades to the trail system would improve overall access to natural resources at the facility. Since the Red Maple Trail is generally flat, it is a better candidate for access improvements.

The proposed project consists of improvements to the Red Maple Trail through installation of an elevated boardwalk over tree roots and wet sections, and installation of a stone dust path in upland areas where roots are less prevalent. An elevated wildlife observation platform would be installed along the bank of the Sudbury River at a location that overlooks a wide area of marsh southeast of the facility. Two interpretive panels would also call attention to ecological and wildlife resources in the area.

Phase I of the project includes improvement of the trail from the parking lot to the east side of the marsh, construction of the wildlife observation platform, and fabrication and installation of two interpretative panels. Phase II includes continuing the boardwalk around the pond back to the parking lot to complete a loop. Phase III would continue the boardwalk along the alignment of the existing trail to the headquarters entrance road; and Phase IV would continue the boardwalk out to Weir Hill Road where it would then connect to Sudbury Valley Trustee trails on Round Hill.

**Expected benefits and timeframe of benefits:** The project is anticipated to benefit members of the public who are mobility-impaired by improving the walking surface, and increasing the recreational and educational opportunities that are available to everyone. The project would also be of value to families using strollers. Additionally, the improvements will facilitate use of the trail by visitors during particularly busy times of year and when the trail is flooded. Benefits will begin as soon as the improved sections of trail are open to the public and are expected to last at least 20 years, before boardwalk replacement would be required. The Red Maple Trail is accessible two ways: from the Great Meadow NWR headquarters parking lot which is open daily from 6 a.m. to 6 p.m. and from a small parking area on Weir Hill Road that allows people to enter the trail from the road.

**Brief overview of maintenance and monitoring:** The boardwalk portions of the path are anticipated to last 20 years before replacement is required, although segments may need occasional adjustment or repair. Portions of the path with a stone surface need to be regraded occasionally, but the dense-graded material that is proposed has been shown to be long-lasting

and resistant to erosion in applications constructed by OFBA (T. Smith, Civil/Environmental Engineer, Massachusetts Office of Fishing and Boating Access, personal communication, November 16, 2009).

**Probability of success:** The probability of success is high. The USFWS has a high level of experience constructing boardwalks and recreational paths similar to the one proposed here. The proposed improvements will improve access for existing visitors at the facility and could potentially attract additional visitors as well.

**Environmental and socioeconomic consequences:** The environmental and socioeconomic consequences of this project would be relatively minor.

Several resources subject to protection by the Massachusetts WPA may be incidentally impacted by the proposed project, including Bordering Land Subject to Flooding (BLSF), BVW, and Riverfront Area. Coordination with the local Conservation Commission through submission of a WPA NOI may be necessary to ensure consistency with the WPA performance standards. Construction of the boardwalk across wetland areas may be allowable as a WPA limited project under 310 CMR 10.53(3)(j), provided that the structures are constructed on pilings or posts to avoid restriction of water flow and to allow light penetration to maintain vegetation. It is likely that the majority of the wet areas along the course of the path would qualify as BVW if delineated, such that the boardwalk crossing these sections would be required to meet the WPA performance standards. Otherwise, the boardwalk could be lower to the ground similar to the existing sections, provided that any endangered species concerns are satisfied, as discussed later in this section.

The proposed project may result in some fill to wetlands that are subject to federal and state jurisdiction under Sections 401 and 404 of the CWA. However, these fills are minor and are likely to be below permitting thresholds (5,000 square feet of fill). The Sudbury River through the refuge is not an ORW; ORW status would trigger a 401 Water Quality Certification application for the proposed project.

Minor tree removal in the riparian area is also subject to the jurisdiction of the Rivers Protection Act. The project would result in clearing of some vegetation in the outer riparian area (outer 100 feet of the 200-foot riparian area) associated with the Sudbury River, decreasing the resource's vegetative buffer somewhat. The project would need to demonstrate consistency with the interests and performance standards of the WPA and associated regulations. It is important to note, however, that 310 CMR 10.53(6) allows issuance of an Order of Conditions for construction of footpaths in a riverfront area, provided that the work's impacts are minimized and that the project's design is consistent with the uses proposed.

Floodplain impacts are anticipated to be small since the proposed fill volumes, which include only the volume of boardwalk components below the 100-year flood elevation, are small.

However, a Conservation Commission could request compensatory storage to be provided for fill in floodplain areas following requirements of the WPA, as pertaining to BLSF.

Additionally, the proposed project site is also located within mapped state-listed endangered species habitat. Coordination with the Massachusetts NHESP under MESA would be required during permitting to ensure that the project will avoid adverse impacts to state-listed endangered, threatened, and special concern species.

**Estimated costs:** Project costs as estimated by the USFWS are presented in Table 15. Costs assume that the project is built by USFWS staff with assistance from volunteers.

**Table 15. Cost elements for the Red Maple Trail: Boardwalk and Wildlife Observation Platform Construction.** Estimates provided by USFWS.

Description	Cost if built by staff and volunteers
Phase I of boardwalk, approximately 300 feet from the parking lot, observation platform, two interpretative panels, and railing where necessary	\$55,000
Phase II of boardwalk from platform, around pond, and back to parking lot (approximately 600 feet in length)	\$30,000
Phase III of boardwalk; an east-west section between pond and north-south section off facility driveway, approximately 600 feet and a north-south section to driveway, approximately 525 feet in length	\$56,000
Phase IV: Boardwalk connection to Weir Hill Road, approximately 200 feet in length	\$10,000
Permitting	\$10,000
Design	In-kind by staff and volunteers
<b>Total</b>	<b>\$161,000</b>

**Trustee evaluation and proposed allocation:** This project is proposed to receive \$161,000 in Tier 1 funding for Phases I – IV of the project. The project was evaluated favorably versus the Trustee evaluation criteria because of its accessible location at the NWR, the potential for high levels of visitor and recreational use, its accessibility to all members of the public including the mobility impaired, and its close proximity to the Sudbury River, allowing visitors to increase their understanding and appreciation of the resource values of the Sudbury River (Table 16).

**Table 16. Evaluation of the Red Maple Trail: Boardwalk and Wildlife Observation Platform Construction project versus the Trustee criteria.** Numbers in parentheses refer to the numbered list of criteria provided in Section 3.3. This table only includes criteria where the project was evaluated as particularly strong compared to other projects.

<b>High importance criteria</b>	<b>Evaluation strengths</b>
Proximity to injured resources (1)	Located adjacent to Sudbury River mainstem in close proximity to impacted environment.
Relationship to injured resources (2)	Restores injured resource services by creating additional river access sites for recreational fishing and wildlife viewing.
Magnitude of benefits and demonstrated need (3)	Addresses a demonstrated need to provide access for a broader public by creating a trail accessible for the disabled, strollers, and casual visitors. The Great Meadows NWR Comprehensive Conservation Plan (USFWS, 2005b) notes the need to build a public that understands, appreciates, and supports refuge goals for wildlife by providing and maintaining public use trails to enhance opportunities for wildlife observation and photography and also notes the need to provide self-guided trails for the public.
<b>Medium importance criteria</b>	
Community goals (3)	Complements the management objectives of the USFWS, as expressed in the Great Meadows NWR Comprehensive Conservation Plan.
Stewardship and public education (socioeconomic benefit) (5)	Provides an opportunity for stewardship through opportunities for volunteers to help with the trail construction and public education through signage along the trails.

## 4.6 Alternatives Considered but Not Recommended for Funding

The Trustees received many restoration project ideas in response to their request for project submittals (see Appendix C for the complete list of submissions). The project ideas that best met the evaluation criteria were included in the proposed alternative and described in Sections 4.3–4.5. The remaining project ideas were not selected for funding because they ranked lower against the evaluation criteria compared to the projects included in the proposed alternative. In some cases, the Trustees took elements from a project idea that was not recommended for funding, and incorporated those elements into a project that was proposed as part of the proposed alternative. The Trustees chose projects for funding that best fit their criteria and that could be accomplished with the limited resources available to the Trustees. A recommendation for no funding should not be viewed as a judgment on the overall environmental or educational value of a project idea.

A summary of the project ideas not recommended for funding is provided in Table 17, together with a description of the evaluation criteria where the project scored low compared to the proposed alternative projects.

**Table 17. Proposed restoration project ideas not recommended for funding**

<b>Project title</b>	<b>Project number in Appendix C</b>	<b>Project category</b>	<b>Key criteria contributing to lower evaluation results (numbers in parentheses refer to enumerated high importance criteria in Section 3.3)</b>
<b>Aquatic resources</b>			
Restoration of Cold-water Fish in the Sudbury River Basin	10	Aquatic resources	This project was limited to studies (including hydrologic and water quality support and an environmental history) that yield a relatively low magnitude of natural resource benefits compared to projects that implement restoration actions (2, 3, 4, 5).
Coordinated Dam Management of the upper Sudbury River	11	Aquatic resources	Performance of studies, planning, and outreach yield a relatively low magnitude of natural resource benefits compared to projects that implement restoration actions (2, 3, 4, 5). Obstacles that may be faced for project implementation (e.g., coordination with multiple outside parties, regulatory and policy requirements) create uncertainty regarding whether the project could be completed successfully, and thus the level of difficulty is high (6).
Creation of Sudbury River Overlay District	16	Aquatic resources	Project is highly similar to actions that will likely be required in the future for municipality compliance with stormwater permits (eligibility criteria).
Wastewater Ground Discharge in the Indian Brook Watershed	17	Aquatic resources	Performance of studies yields a relatively low magnitude of natural resource benefits compared to projects that implement restoration actions (2, 3, 4, 5).
Chemical Brook Drainline	19	Aquatic resources	The Trustees believe that this project does not fit into their mandate because the town has the responsibility to alleviate flooding and protect public safety (eligibility criteria).
Stormwater Improvements – Framingham and Concord	18 and 21	Aquatic resources	Project is highly similar to actions that are otherwise required, or may be required in the future, for Framingham and Concord’s compliance with their stormwater permits (eligibility criteria).
Aquatic Invasives Species Control (Water Chestnut) (Concord)	27	Aquatic resources	Elements of this project are incorporated into Project 4.3.2, Control of Aquatic Weeds in the Sudbury River Watershed.

**Table 17. Proposed restoration project ideas not recommended for funding (cont.)**

<b>Project title</b>	<b>Project number in Appendix C</b>	<b>Project category</b>	<b>Key criteria contributing to lower evaluation results (numbers in parentheses refer to enumerated high importance criteria in Section 3.3)</b>
<b>Aquatic resources (cont.)</b>			
Biological Control of Water Chestnut	28	Aquatic resources	Performance of research studies yields a relatively low magnitude of natural resource benefits compared to projects that implement restoration actions (2, 3, 4, 5). The level of difficulty for this project is high because obstacles that may be faced for project implementation [e.g., coordination with multiple outside parties, the Department of Agriculture (USDA) regulatory and policy requirements] create uncertainty regarding whether the project could be completed successfully (6).
Eradication of Water Chestnut on Fiske Pond in Natick	29	Aquatic resources	Located within the Sudbury River Watershed but does not directly benefit injured resources in the Sudbury River (1, 2).
Eradication of Milfoil in Lake Cochituate	30	Aquatic resources	Located within the Sudbury River Watershed, but does not directly benefit injured resources in the Sudbury River (1, 2).
Invasive Plant Control (Lincoln)	31	Aquatic resources; riparian/flood-plain resources	Located within the Sudbury River Watershed but is not in close proximity to impacted environment and resources (1).
Fisheries Resources Protection and Restoration	41	Aquatic resources	The component of this project that proposed “Identify the opportunities and barriers to restoring fish passage at the Talbot Mills dam in Billerica” was incorporated into the Concord River Diadromous Fish Restoration Project. Additional activities proposed for this project focused primarily on planning and outreach activities that yield a relatively low likelihood of natural resource benefits compared to projects that primarily focus on implementing restoration actions (2, 3, 4, 5).
Geographic information system (GIS)-based map of Sudbury River Fish Communities and Impediments to Fish Passage	42	Aquatic resources	The project focused on GIS database and application development. The project would yield a relatively low magnitude of natural resource benefits compared to projects that implement restoration actions (2, 3, 4, 5).

**Table 17. Proposed restoration project ideas not recommended for funding (cont.)**

<b>Project title</b>	<b>Project number in Appendix C</b>	<b>Project category</b>	<b>Key criteria contributing to lower evaluation results (numbers in parentheses refer to enumerated high importance criteria in Section 3.3)</b>
<b>Aquatic resources (cont.)</b>			
Hydrologic and Water-quality Support for Fisheries Restoration in Reaches of Sudbury River	43	Aquatic resources	This project is partly incorporated into the feasibility analysis that will be part of the Concord River Diadromous Fish Restoration: Feasibility and Stewardship project.
Environmental History of Fish Runs and Wetland Meadows	44	Aquatic resources	Performance of studies, planning, and outreach yield a relatively low magnitude of natural resource benefits compared to projects that implement restoration actions (2, 3, 4, 5).
<b>Riparian and floodplain resources</b>			
Greenways North Field Restoration: Eastern Spadefoot Toad portion only	12	Riparian and floodplain resources	Proposed activities are in conflict with the preferred project on the Greenways north field. In addition, the project is experimental and does not employ well-known and accepted techniques to achieve outcomes, and thus is considered to have a low likelihood of success (6).
Sudbury River Riparian Buffer Restoration	13	Riparian and floodplain resources	This project is partly incorporated into the Habitat Restoration to Benefit Coldwater Fish project. As initially proposed, the high proportion of costs associated with the identification of projects for implementation detracts from the benefits of the proposed project (8).
Terrestrial Invasive Species Control	33	Riparian and floodplain resources	Located within the Sudbury River Watershed, but does not benefit injured resources in the Sudbury River as directly as the preferred aquatic weed control project (1, 2).
<b>Recreation and public access</b>			
Canoe launch at Fountain Street	45	Recreation and public access	Proposed elements of this project are included in Project 4.5.1, Sudbury River Public Access: Aikens Road; and Project 4.4.4, Creation of Stearns and Brackett Reservoirs Wildlife Preserve.
Sudbury River Access Improvements: Sherman's Bridge Road	46	Recreation and public access	Site visit determined that technical feasibility of improving access is low because of the narrow road corridor (6).

**Table 17. Proposed restoration project ideas not recommended for funding (cont.)**

<b>Project title</b>	<b>Project number in Appendix C</b>	<b>Project category</b>	<b>Key criteria contributing to lower evaluation results (numbers in parentheses refer to enumerated high importance criteria in Section 3.3)</b>
<b>Recreation and public access (cont.)</b>			
Sudbury River Access Improvements: River Road	46	Recreation and public access	Site visit determined that technical feasibility of improving access is low because of the narrow road corridor (6).
Upper Sudbury River Public Access for Fishing and Trails	48	Recreation and public access	Proposed elements of this project are included in Project 4.5.1, Sudbury River Public Access: Aikens Road.
Riverwalk Bridge at Mill Pond River	49	Recreation and public access	Proposed activities provide limited enhancement of existing recreational resources (2, 3). Project costs are high compared to benefits provided to injured natural resources (7).
River Room in Wayland and Path to River	50	Recreation and public access	There is considerable uncertainty regarding whether the project could be completed successfully because an Activity and Use Limitation under M.G.L. 21E Part 6 and 310 CMR 40.0000 is in place for part of the path route and for the proposed location of the boat house, which prohibits recreational activities or use for public access purposes (6). Also, the relationship of expected benefits to expected costs is low because boaters will not require the path to reach the boat access point and the boat facility may have limited appeal outside of Wayland (8).
<b>Community-based education</b> (Note: The Trustees originally received project submittals in this category but did not retain this category as part of the proposed alternative.)			
Protection through Education in Natick	1	Community-based education	Compared to projects that bring people to the river and directly educate river users and decision-makers, potential for the project to provide ecological or recreational benefits is limited in scope; likelihood for restoration of natural resources or natural resource services is low (2, 3).
Sudbury River NRD Projects Web-based Information Center	2	Community-based education	Compared to projects that bring people to the river and directly educate river users and decision-makers, potential for the project to provide ecological or recreational benefits is limited in scope; likelihood for restoration of natural resources or natural resource services is low (2, 3).

**Table 17. Proposed restoration project ideas not recommended for funding (cont.)**

<b>Project title</b>	<b>Project number in Appendix C</b>	<b>Project category</b>	<b>Key criteria contributing to lower evaluation results (numbers in parentheses refer to enumerated high importance criteria in Section 3.3)</b>
<b>Community-based education (cont.)</b> (Note: The Trustees originally received project submittals in this category but did not retain this category as part of the proposed alternative.)			
“Come Enjoy the Sudbury River” Outreach and Education Campaign	4	Community-based education	The Trustees believe that this project does not fit into their mandate because EPA has the responsibility to educate the public regarding what is safe versus unsafe recreation on the Sudbury River (eligibility criteria).
Sudbury River Environmental Education Program/Institute	5	Community-based education	A key component of this project, school-based education, was proposed for funding in Project 4.3.5, Sudbury Schools Environmental Stewardship Program.
Educational/ Interpretive Signage	6	Community-based education	Already implemented by EPA as part of remedial work.
“Restoring the Sudbury River”: Outreach and Education Materials	7	Community-based education	A component of this project will be included in the educational kiosks that are part of Project 4.4.4, Creation of Stearns and Brackett Reservoirs Wildlife Preserve.
Construction of Visitor Center at Lake Cochituate	8	Community-based education	Project costs are high compared to educational benefits provided (7).
Public Awareness Campaign and Low Impact Development (LID) Demonstration Projects for Stormwater Utility	20	Community-based education	Project is highly similar to actions that will likely be required in the future for municipality compliance with stormwater permits (eligibility criteria).

## 5. Environmental and Socioeconomic Impacts of Restoration Alternatives

The environmental and socioeconomic consequences associated with each individual restoration project in the proposed restoration alternative were identified in Section 4. This section provides a description of the cumulative impacts of the proposed alternative and compares these impacts to those of the no-action alternative.

Over the long-term, the proposed restoration projects that together form the proposed restoration alternative identified in this Final RP/EA would provide positive environmental and socioeconomic benefits for the Sudbury River Watershed. The analysis of impacts assumes that all the Tier 1 and Tier 2 restoration projects would be implemented. If funding is insufficient for implementation of all Tier 2 projects, then the cumulative impact of restoration (both positive and negative) would be lessened.

## **5.1 Environmental Impacts of the Proposed Alternative**

Overall, the cumulative environmental impact of the proposed alternative would be positive because natural resources would benefit from the proposed restoration actions. Descriptions of impacts for specific categories of environmental resources are detailed below.

### **5.1.1 Water Resources**

Over the long-term, the proposed alternative will have a net positive impact on water resources in the Sudbury River Watershed. During implementation of the projects that require construction equipment (e.g., Habitat Restoration to Benefit Coldwater Fish, Sudbury River Public Access: Aikens Road, Red Maple Trail: Boardwalk and Wildlife Observation Platform Construction), there may be temporary increases in sediment transport and in the turbidity level of adjacent surface water. Temporary impacts would be minimized by following BMPs for in-stream work and conforming to all requirements of the permits that would be necessary to conduct the project. For any work conducted in the riparian zone, the restoration activities ultimately would stabilize and revegetate stream banks and result in a long-term decrease in erosion and an improvement in water quality.

Other projects in the proposed alternative also would have long-term positive impacts on water resources. The project to control aquatic weeds would remove a detrimental component of the aquatic ecosystem and prevent large mats of water chestnut from decaying and reducing oxygen levels. Land acquisitions that protect floodplain land at risk of development will be a priority for acquisition because of the importance of these lands for maintaining water quality. Finally, the education and stewardship projects have a long-term goal of improving water quality through public education.

### 5.1.2 Vegetation Resources

The restoration projects in the proposed alternative would enhance vegetation resources in aquatic, riparian, and floodplain habitats in the following ways:

- ▶ Control of aquatic weeds would have a direct benefit on native vegetation. Control of purple loosestrife would allow native wetland vegetation to regrow in marshy areas, while control of water chestnut would promote native macrophytes that are outcompeted by large floating mats of water chestnut. Within this project, restoration of wild rice would restore an important native species that provides a valuable food resource for birds and wildlife.
- ▶ The Habitat Restoration to Benefit Coldwater Fish project would likely involve revegetating streambanks with appropriate native riparian vegetation to help stop bank erosion.
- ▶ The Greenways North Field Restoration project would restore grassland vegetation in an area currently dominated by invasive buckthorn.
- ▶ Land acquisition projects would benefit vegetation resources by preventing development.

### 5.1.3 Fish and Wildlife Resources

The restoration projects in the proposed alternative would enhance fish and wildlife resources in the Sudbury River Watershed in the following ways:

- ▶ The Control of Aquatic Weeds in the Sudbury River Watershed project would benefit fish and wildlife by restoring native habitat conditions. Within this project, restoration of wild rice would provide a valuable food resource for birds and wildlife.
- ▶ The Habitat Restoration to Benefit Coldwater Fish project has a key objective of benefiting populations of coldwater fish, including native brook trout.
- ▶ The Concord River Diadromous Fish Restoration: Feasibility and Stewardship project provides the first step toward the potential restoration of diadromous fish across a significant portion of the SuAsCo Watershed.
- ▶ The Greenways North Field Restoration project would benefit native insectivorous and grassland birds.

- ▶ The Neotropical Connections project would benefit neotropical migrant bird species through the protection of overwintering habitat in a forest in Belize.
- ▶ Land acquisition projects would benefit fish and wildlife by protecting habitat and water quality.

The proposed recreational projects are not expected to have a negative impact on fish and wildlife resources. The Great Meadows NWR Comprehensive Conservation Plan (USFWS, 2005b) conducted “compatibility determinations” and determined that fishing, non-motorized boating, wildlife observation, and photography are compatible with the purpose of the NWR and will not harm the refuge when conducted during current refuge open hours (i.e., daylight only) and in designated locations. The proposed recreational projects also would follow the standards of the Sudbury, Assabet and Concord Wild and Scenic River Study River Conservation Plan (NPS, 1995) to be managed in a way that prevents degradation of the rivers’ land and water resources.

#### 5.1.4 Special Status Species

Federally listed T&E species were not noted as present in the SuAsCo Watershed in the SuAsCo Biodiversity Protection and Stewardship Plan (Clark, 2000). This plan does note the presence of several state listed threatened species in different habitat types, including the Blanding’s turtle (*Emydoidea blandingii*; marshes, ponds, vernal pools, sandy uplands); Britton’s violet (*Viola brittoniana*; wet meadow), king rail (*Rallus elegans*; emergent and deep marsh), grasshopper sparrow (*Ammodramus savannarum*; grassland), and marbled salamander (*Ambystoma opacum*; mixed oak/white pine forest).

The proposed restoration actions are not expected to have negative impacts on any of these species. Actions to reduce invasive species in marsh and pond habitat and create grassland habitat may have positive impacts on these species, although it is unknown if any of these species are present in the proposed restoration areas. In general, any disturbances resulting from construction activities at the restoration sites would be of relatively short duration (1–3 years) and are unlikely to negatively impact these species. These restoration projects would provide long-term benefits to habitat for any threatened or special status species.

In 2011, both the American eel and river herring were petitioned for listing under the Endangered Species Act. The petitions were found to be substantial in the 90-day finding and are currently in the 12-month status review phase of the listing process (50 CFR Parts 223–224 and 50 CFR Part:17). These species may become federally listed before the proposed restoration actions are undertaken. The Concord River Diadromous Fish Restoration: Feasibility and Stewardship project could have substantial positive impacts on American eel and river herring by promoting fish passage and access to additional habitat upstream of the current blockages.

### **5.1.5 Air and Noise**

The use of heavy equipment to implement some of the projects may generate local air pollution, especially from diesel engines and noise pollution that could disturb wildlife on a temporary basis. Because the work will be temporary and will only occur during daylight hours and in limited locations, wildlife likely will be able to avoid the noise and air pollution impacts.

### **5.1.6 Geology and Minerals**

The proposed alternative would not have a negative impact on geology or mineral resources. The proposed restoration projects would not result in any change in mining activity in the area or in any change in the use of mineral resources.

### **5.1.7 Soils**

The proposed alternative would have a positive impact on soils because many of the projects would result in decreased erosion and increased soil stability. Specifically, the Habitat Restoration to Benefit Coldwater Fish project and the promotion of BMPs for the river would improve soil stability and soil management.

## **5.2 Cultural and Socioeconomic Impacts of the Proposed Alternative**

Overall, the cumulative cultural and socioeconomic impacts of the proposed alternative would be positive because the human population in the area affected by the proposed alternative would benefit from the proposed restoration actions. Descriptions of impacts for specific categories of cultural and socioeconomic considerations are detailed below.

### **5.2.1 Lands and Access**

The proposed restoration actions that make up the proposed alternative would not conflict with local, state, or federal policies for land management. Land acquisition would conform to the policies of the agency accepting the land. Parcels proposed for acquisition are expected to be consistent with existing management plans such as the Greenways Plan for the SuAsCo Watershed (SVT, 2000). The proposed alternative would have a minimal impact on existing land use. Depending on the parcels pursued for acquisition, there could be a change in land use for a parcel from private land to public land accessible for recreation.

Opportunities for public access and recreation along the Sudbury River will increase as a direct result of implementation of the preferred alternative. The new public access point at Aikens Road will be an important access point for fishing and recreational boating in Ashland. Provision of boats and boat carts at the Great Meadows NWR headquarters also will increase access to the Sudbury River. Construction of the Red Maple Trail will provide access to floodplain habitat that has been inaccessible because of muddy terrain as well as access to views of the river.

### **5.2.2 Air, Noise, and Visual Resources**

Because most of the restoration work is planned for locations away from residential areas, the air, noise, and visual impacts to human populations would be minimal. The exception could be during the implementation of the Habitat Restoration to Benefit Coldwater Fish project which could potentially occur in close proximity to residential housing. During the implementation of the project, some temporary negative impacts would occur. As described above under environmental impacts, implementation of the project could generate local air and noise pollution, disrupt the scenic “viewshed” of the area, and temporarily increase erosion in the stream. Because the work would be temporary and would only occur during daylight hours and in limited locations, the overall impact to air, noise, and visual resources would be limited and temporary.

### **5.2.3 Cultural and Historical Resources and Native American Religious Concerns**

The project with the greatest potential impact on cultural and historical resources is the Concord River Diadromous Fish Restoration: Feasibility and Stewardship project if the project proceeds to the implementation phase. During the feasibility stage of the project (proposed for Tier 1 funding), a Project Notification Form (PNF) will be submitted to the Massachusetts Historic Commission for review. There are significant archeological resources and Native American religious concerns on Weir Hill at the Great Meadows NWR. However, the proposed Red Maple Trail boardwalk construction is not located near the surveyed areas and will have no impact on the archeological resources present at the Great Meadows NWR. The remainder of the projects will not involve ground-disturbing activities that would require a cultural inventory.

### **5.2.4 Socioeconomic Impacts**

The proposed restoration projects included in the proposed alternative would have a cumulative positive socioeconomic impact on the communities of the SuAsCo Watershed and its surrounding areas. Although there would potentially be short-term negative impacts to air and noise resources during construction of the Habitat Restoration to Benefit Coldwater Fish project, these impacts would be outweighed by the long-term benefits for improved recreational access

and improved education and stewardship resulting from implementation of the preferred alternative. Improved water quality in the Sudbury River also provides a positive socioeconomic impact for local communities.

Each of the projects that would enhance or protect fish and wildlife habitats would help to preserve the natural resource base that is threatened by rapid development in the SuAsCo Watershed. In the short-term, implementation of the restoration projects would have a minor positive economic effect on the area through potential employment opportunities, either directly or indirectly through the supply chain for materials. The general land use patterns of the area would not be affected by the projects because the proposed land protection projects would be protecting habitat that is already in a natural state. The protection projects would have a minimal or neutral impact on the local tax base because a payment in lieu of taxes would be made for acquired parcels that are taken out of the tax base.

### **5.2.5 Environmental Justice**

This alternative would benefit several of the cities and towns within the SuAsCo Watershed that include EJ populations, including Framingham, Concord, and Westborough (EEA, 2002).

## **5.3 Impacts of the No-Action Alternative**

Under the no-action alternative, no habitats would be preserved, restored, or enhanced beyond what agencies and organizations such as the Sudbury Valley Trustees, the Sudbury River Watershed Organization, Great Meadows NWR, and Massachusetts agencies such as the MA DER, OFBA, and MassWildlife are already doing in the area with limited existing resources. Aquatic and riparian habitats would continue to be degraded along the Sudbury River and in adjacent habitats. Aquatic invasive species would continue to spread, posing a greater impact to native species, recreation, and water quality. Coldwater fish and diadromous fish populations would continue to decline. Neotropical migrants would continue to decline because of threats to wintering habitat. Fishing and boating recreational opportunities would continue to be limited by access points. Local populations would not benefit from improved recreational opportunities and increased education and stewardship. Future generations would not have access to an improved environment.

## 5.4 Cumulative Impacts of the Proposed Alternative and the No-Action Alternative

The cumulative impacts of the proposed alternative and the no-action alternative are summarized in Table 18 and discussed below.

**Table 18. Comparison of impacts by alternative**

Category of impact	No-action alternative	Proposed action/proposed alternative
Habitat impacts	No additional habitats preserved, restored, or enhanced. Continued impairment of aquatic, riparian, and floodplain resources.	Aquatic, riparian, and floodplain habitats would be preserved, restored, and enhanced.
Biological impacts	Continued ongoing adverse impacts to fish and wildlife.	Improvements to fish and wildlife resulting from habitat improvements and potential restoration of fish passage.
Cultural resource impacts	No impacts to historic properties.	Potential adverse effects to cultural resources at the dam sites. These would be mitigated by appropriate actions.
Native American religious concerns	No impacts expected.	No impacts expected.
Environmental justice	No benefits to area residents, including minority and low-income populations.	Benefits to area residents, including minority and low-income populations, from improved local recreational opportunities and education about safe recreation.
Socioeconomic impacts	No positive indirect economic impacts on the local economy.	Restoration activities would generate short-term economic benefits. Improved water quality, habitat protection, and increased recreational opportunities would generate long-term economic benefits.
Indirect impacts	No indirect impacts.	Indirect beneficial impacts expected through improved habitat for fish, birds, and wildlife in the project areas.
Cumulative impacts	Cumulative impacts would be negative because of continued degradation of aquatic, riparian, and floodplain habitats under current conditions.	Cumulative impacts expected to be beneficial through long-term benefits to water quality, fish, and wildlife in and around the project sites.

The Trustees selected the restoration projects included in the proposed alternative to improve natural resources as compensation for natural resource injuries. Therefore, the cumulative environmental impact from implementing the restoration projects is expected to be beneficial. Any impacts to air quality, water quality, or noise associated with implementation of the projects are expected to be minimal and short-term. The projects would result in long-term benefits to water quality, vegetation, fish, birds, and wildlife in and around the project sites. There also would be long-term socioeconomic benefits to the area through educational programs, protection and improvement of natural resources, and improved recreational opportunities. Any cultural impacts associated with implementation of the fish passage project would be mitigated according to requirements of the MHC.

Under the no-action alternative, there would be no positive change to habitats or wildlife beyond the actions taken by other agencies and organizations with limited funding. There would be no short-term impacts associated with project implementation and no long-term benefits from implementation of the proposed alternative. In short, the public would not be compensated for the extensive injuries to natural resources resulting from the release of hazardous substances at the Nyanza Superfund Site.

## **6. Compliance with Other Authorities**

The following federal, state, and local laws, regulations, and policies may affect completion of the restoration projects. Compliance with these authorities was considered as part of the restoration planning process. All project sponsors that receive NRD funding will be responsible for obtaining necessary permits and complying with relevant local, commonwealth, and federal laws, policies, and ordinances.

### **6.1 Laws**

#### **6.1.1 Federal Laws**

##### **National Environmental Policy Act**

NEPA requires that federal agencies consider the environmental impacts of proposed actions and reasonable alternatives to those actions. The Authorized Official will determine, based on the facts and recommendations in this document and input from the public, whether this EA supports a “Finding of No Significant Impact” (FONSI), or whether an “Environmental Impact Statement” (EIS) will need to be prepared.

## **Clean Water Act**

The CWA is intended to protect surface water quality, and regulates discharges of pollutants into waters of the United States. All proposed restoration projects will comply with CWA requirements, including obtaining any necessary permits for proposed restoration actions. Restoration projects that move material in or out of waterways and wetlands, or result in alterations to a stream channel, typically require CWA Section 404 permits. Dam removal actions also require 404 permits. Project sponsors will be required to obtain the appropriate permits before restoration work begins.

As part of the Section 404 permitting process, consultation under the Fish and Wildlife Coordination Act, 16 USC §661 *et seq.*, generally occurs. This act requires that federal agencies consult with the USFWS, the NMFS, and state wildlife agencies to minimize the adverse impacts of stream modifications on fish and wildlife habitat and resources.

Compliance with the Rivers and Harbors Act, 33 USC §401 *et seq.*, generally occurs as part of the Section 404 permitting process. The Rivers and Harbors Act prohibits unauthorized obstruction or alteration of navigable waters. Any required permits under the Rivers and Harbors Act are generally included with the Section 404 permitting process.

## **Endangered Species Act**

The Federal Endangered Species Act of 1973, as amended, 16 USC §§ 1531 *et seq.*, was designed to protect species that are threatened with extinction. It provides for the conservation of ecosystems upon which these species depend and provides a program for identification and conservation of these species. Federal agencies are required to ensure that any actions are not likely to jeopardize the continued existence of a T&E species. No federal T&E species are known to reside in areas that would be affected by the proposed restoration projects. However, project sponsors may be required to consult with the Endangered Species Program of the USFWS before implementation in certain cases.

In 2011, both the American eel and river herring were petitioned for listing under the Endangered Species Act. The petitions were found to be substantial in the 90-day finding and are currently in the 12-month status review phase of the listing process (50 CFR Parts 223–224 and 50 CFR Part:17). These species may become federally listed before the proposed restoration actions are undertaken. Where relevant, project sponsors may be required to consult with the Endangered Species Program of the USFWS before implementation.

## **Migratory Bird Treaty Act**

The Migratory Bird Treaty Act of 1918 as amended, 16 USC §§ 703–712, protects all migratory birds and their eggs, nests, and feathers and prohibits the taking, killing, or possession of

migratory birds. The proposed restoration actions would not result in the taking, killing, or possession of any migratory birds. The Neotropical Connections project and other projects would benefit migratory birds.

### **National Historic Preservation Act**

The National Historic Preservation Act (NHPA) of 1966, as amended, 16 USC §§ 470 *et seq.*, is intended to preserve historical and archaeological sites. Compliance with the NHPA would be undertaken through consultation with the State Historic Preservation Office, which in Massachusetts is the Massachusetts Historic Commission, established by M.G.L. Ch. 9, s. 26.

If the diadromous fish restoration project proceeds to the implementation phase, consultation under the NHPA would be required.

### **Occupational Safety and Health Act**

The Occupational Safety and Health Act (OSHA) of 1970, as amended, 29 USC §§ 651 *et seq.*, governs the health and safety of employees from exposure to recognized hazards, such as exposure to toxic chemicals, excessive noise, mechanical dangers, and unsanitary conditions. All work conducted on the proposed restoration actions will comply with OSHA requirements.

### **National Historic Preservation Act of 1966 (16 U.S.C. 470)**

Section 106 of this statute requires that federal agencies take into account the impact that their actions (permitting, licensing, funding) may have on historic properties. “Historic property” is any district, building, structure, site, or object that is eligible for listing in the National Register of Historic Places because the property is significant at the national, state, or local level in American history, architecture, archeology, engineering, or culture. Federal agencies consult and coordinate with State Historic Preservation Officers/Tribal Historic Preservation Officers and other consulting parties to identify historic properties that may be affected by the proposed project and assess adverse effects of the actions.

### **Native American Graves Protection and Repatriation Act of 1990 (25 U.S.C. 3001–3013), Antiquities Act (16 U.S.C. 431–433), and Archaeological Resources Protection Act, as amended (16 U.S.C. 470aa–470mm)**

These laws are relevant for projects occurring on lands owned by federal or tribal governments. Projects proposed for the Great Meadows NWR would be subject to these laws. The Native American Graves Protection and Repatriation Act protects Native American “human remains, funerary objects, sacred objects, or objects of cultural patrimony” on federally owned or controlled lands and on Indian tribal or Native Hawaiian land. The Archaeological Resources Protection Act (also known as the “Antiquities Act”) protects resources at least 100 years old

that are of archeological interest. Great Meadows NWR will be responsible for confirming that the proposed sites for the restoration projects would not disturb any remains, objects, or resources subject to these laws.

### **North American Wetlands Conservation Act (103 Stat. 1968; 16 U.S.C. 4401–4412)**

Public Law 101-233, enacted December 13, 1989, provides funding and administrative direction for implementation of the North American Waterfowl Management Plan and the Tripartite Agreement on wetlands among Canada, the United States, and Mexico.

### **National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd–668ee), as amended**

This act defines the Refuge System as including wildlife refuges, areas for protection, and conservation of fish and wildlife which are threatened with extinction, wildlife ranges, game ranges, wildlife management areas, and waterfowl production areas. The Secretary is authorized to permit any use of an area provided such use is compatible with the major purposes for which such area was established. The purchase considerations for rights-of-way go into the Migratory Bird Conservation Fund for the acquisition of lands. By regulation, up to 40% of an area acquired for a migratory bird sanctuary may be opened to migratory bird hunting unless the Secretary finds that the taking of any species of migratory game birds in more than 40% of such area would be beneficial to the species.

The Act requires an Act of Congress for the divestiture of lands in the system, except (1) lands acquired with Migratory Bird Conservation Commission funds, and (2) lands can be removed from the system by land exchange, or if brought into the System by a cooperative agreement, then pursuant to the terms of the agreement.

### **National Wildlife Refuge System Improvement Act of 1997**

Public Law 105-57, amends the National Wildlife System Act of 1966 (16 U.S.C. 668dd–ee), providing guidance for management and public use of the refuge system. The Act mandates that the Refuge System be consistently directed and managed as a national system of lands and waters devoted to wildlife conservation and management.

The Act establishes priorities for recreational uses of the Refuge System. Six wildlife dependent uses are specifically named in the act: hunting, fishing, wildlife observation and photography, and environmental education and interpretation. These activities are to be promoted on the Refuge System, while all non-wildlife dependent uses are subject to compatibility determinations.

A compatible use is one which, in the sound professional judgment of the Refuge Manager, will not materially interfere with or detract from fulfillment of the Refuge System Mission or refuge purpose(s).

### **Refuge Recreation Act of 1962**

This Act authorizes the Secretary of the Interior to administer refuges, hatcheries, and other conservation areas for recreational use, when such uses do not interfere with the area's primary purposes. It authorizes construction and maintenance of recreational facilities and the acquisition of land for incidental fish and wildlife oriented recreational development or protection of natural resources. It also authorizes the charging of fees for public uses.

### **Wild and Scenic Rivers Act (P.L. 90-542, as amended)**

The Wild and Scenic Rivers Act contains the following provisions that are relevant to the Nyanza Final RP/EA:

“SECTION 1(b) It is hereby declared to be the policy of the United States that certain selected rivers of the Nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural or other similar values, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations.

SECTION 7. (a) The Federal Power Commission [FERC] shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act (41 Stat. 1063), as amended (16 U.S.C. 791a et seq.), on or directly affecting any river which is designated in section 3 of this Act as a component of the national wild and scenic rivers system or which is hereafter designated for inclusion in that system, and **no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river was established**, as determined by the Secretary charged with its administration.” (emphasis added)

In April 1999 Congress designated 29 miles of the Sudbury Assabet and Concord rivers as Wild and Scenic. Their outstanding Wild and Scenic resources are recreation, scenery, ecology, historical and archaeological resources, and literary values.

## 6.1.2 State Laws

### **Article 97 of the Commonwealth of Massachusetts Constitution (1972)**

“The people shall have the right to clean air and water, freedom from excessive and unnecessary noise, and the natural, scenic, historic, and esthetic qualities of their environment; and the protection of the people in their right to the conservation, development and utilization of the agricultural, mineral, forest, water, air and other natural resources is hereby declared to be a public purpose. The general court shall have the power to enact legislation necessary or expedient to protect such rights.”

“In the furtherance of the foregoing powers, the general court shall have the power to provide for the taking, upon payment of just compensation therefore, or for the acquisition by purchase or otherwise, of lands and easements or such other interests therein as may be deemed necessary to accomplish these purposes. Lands and easements taken or acquired for such purposes shall not be used for other purposes or otherwise disposed of except by laws enacted by a two thirds vote, taken by yeas and nays, of each branch of the general court.”

### **Executive Office of Energy and Environmental Affairs (M.G.L. c. 21A) and its land acquisition regulations (M.G.L. Chapter 51.00) and policies (1995)**

EEA has adopted policies governing appraisals, environmental site assessments, and surveys with respect to the acquisition of real property for Article 97 purposes or interests therein.

### **Inland Fisheries and Game, M.G.L. Chapter 131: Section 47, Riparian Proprietors; Enclosure of Waters**

Section 47. No riparian proprietor of a natural pond other than a great pond, or of an artificial pond of any size, or of a non-navigable stream, shall enclose the waters thereof within the limits of his own premises unless he furnishes a suitable passage for all anadromous fish naturally frequenting such waters to spawn; nor shall any riparian proprietor enclose the waters of any such pond or stream for the purpose of artificial propagation, cultivation and maintenance of fish, except shiners as authorized in section fifty-two, unless he first procures a propagator’s license under section twenty-three authorizing him so to do.

A person, without the written consent of the proprietor or lessee of a natural pond which is not a great pond, or of an artificial pond of any size, or of a non-navigable stream, where fish are lawfully propagated or maintained under authority of a license under this chapter, shall not take, or attempt to take, fish therefrom.

**Marine Fish and Fisheries, M.G.L. Ch. 130, s. 19**

For the purpose of providing suitable passage for saltwater fish coming into fresh water to spawn, the Massachusetts Division of Marine Fisheries, may (1) seize and remove, summarily if need be, at the expense of the owner using and maintaining the same, all illegal obstructions, except dams, mills or machinery, to the passage of such fish; (2) examine all dams and other obstructions to such passage in brooks, rivers, and streams, the waters of which flow into coastal water, where in his judgment fishways are needed; and (3) shall determine whether existing fishways, if any, are suitable and sufficient for the passage of such fish in such brooks, rivers, and streams or whether a new fishway is needed for the passage of fish over such dam or obstruction; and he shall prescribe by written order what changes or repairs, if any, shall be made therein, and where, how and when a new fishway shall be built, and at what times the same shall be kept open and shall serve a copy of such order upon the person maintaining the dam or other obstruction.

**Massachusetts Antiquities Act (M.G.L. Chapter 9, Section 27) and its implementing regulations (950 CMR 70 and 71)**

MHC was established by the legislature in 1963 to identify, evaluate, and protect important historical and archaeological assets of the Commonwealth. The act and its implementing regulations provide for MHC review of state projects, State Archaeologist's Permits, the protection of archaeological sites on public land from unauthorized digging, and the protection of unmarked burials. The MHC is the office of the State Historic Preservation Officer, as well as the office of the State Archaeologist. Any new construction projects or renovations to existing buildings that require funding, licenses, or permits from any state or federal governmental agencies must be reviewed by the MHC for impacts to historic and archaeological properties.

**Massachusetts Area of Critical Environmental Concern (M.G.L. c. 21A, s. 2(7); 301 CMR 12.00)**

ACECs are those areas within the Commonwealth where unique clusters of natural and human resource values exist and which are worthy of a high level of concern and protection. These areas are identified and nominated at the community level and are reviewed and designated by the state's Secretary of Environmental Affairs. ACEC designation creates a framework for local and regional stewardship of critical resources and ecosystems. After designation, the aim is to preserve and restore these areas and all EEA agencies are directed to take actions with this in mind.

**Massachusetts Clean Waters Act (M.G.L. 21, Sections 26–53)**

Authorizes MassDEP to take all action necessary or appropriate to secure to the Commonwealth the benefits of the Federal Water Pollution Control Act, as amended, and other federal legislation

pertaining to water pollution control by establishing a program for prevention, control, and abatement of water pollution through permits, municipal, regional and interstate planning, water quality standards, sampling and reporting, and financial and technical assistance.

### **Massachusetts Contingency Plan, 310 CMR 40.0000**

The Massachusetts Contingency Plan is intended to comport with and complement the National Contingency Plan promulgated by the EPA under CERCLA, as amended. The CMMCP provides for the protection of health, safety, public welfare, and the environment by establishing requirements and procedures for assessment and response actions following release or threat of release of oil and/or hazardous material.

Under the provisions of 310 CMR 40.1012: Application of Activity and Use Limitations, (1) the purpose of an Activity and Use Limitation is to narrow the scope of exposure assumptions used to characterize risks to human health from a release pursuant to 310 CMR 40.0900, by specifying activities and uses that are prohibited and allowed at the disposal site in the future. 310 CMR 40.1012 establishes rules for determining when an Activity and Use Limitation must be used, when one cannot be used, and when one may be a factor to be considered in appropriately characterizing soil and groundwater at a disposal site, pursuant to 310 CMR 40.0923(3).

### **Massachusetts Endangered Species Act, M.G.L. Ch. 131A, and its implementing regulations (321 CMR 10.00)**

MESA is the Commonwealth analogue to the Federal Endangered Species Act. MESA lists species as “endangered,” “threatened,” or a “species of special concern.” Before project implementation, project sponsors will be required to consult with the Massachusetts Natural Heritage Endangered Species Program to ensure that proposed activities do not have a negative effect on species listed under MESA.

### **Massachusetts Environmental Policy Act, M.G.L. Ch. 30 §61 *et seq.***

MEPA is the Commonwealth’s equivalent of NEPA; it requires that Commonwealth agencies consider and minimize the impacts of their actions on the environment. For a project that requires MEPA and NEPA review, consolidation of these two processes is encouraged. After the Final RP/EA is completed, individual projects that are determined to trigger MEPA thresholds will be required to proceed through a MEPA review.

### **Massachusetts Surface Water Quality Standards (314 CMR 4.00)**

Designates the most sensitive uses for which the various waters of the Commonwealth shall be enhanced, maintained, and protected; prescribes the minimum water quality criteria required to

sustain the designated uses; and contains regulations necessary to achieve the designated uses and maintain existing water quality including, where appropriate, the prohibition of discharges.

### **Public Waterfront Act (“Chapter 91”), M.G.L. Ch. 91**

The Division of Wetlands and Waterways within the MassDEP administers Chapter 91, which is designed to protect the public’s rights for fishing, waterfowl hunting, and navigation in Massachusetts waterways. All project sponsors with actions that affect waterways will be required to seek the approval of the Division of Wetlands and Waterways under Chapter 91, before implementation. If the diadromous fish restoration project proceeds to the implementation phase, consultation under Chapter 91 would be required. Other projects that affect waterways also would be required to seek approval before implementation.

### **Wetlands Protection Act, M.G.L. Ch. 131 §40 and Rivers Protection Act, St. 1996, C. 258**

The WPA restricts the removal, filling, dredging, or alteration of fresh and salt water wetlands and coastal areas. The Rivers Protection Act strengthens and expands the WPA to protect watercourses and adjacent lands. Local conservation commissions, under oversight from the MassDEP, are responsible for permitting under these acts. All project sponsors whose actions would be subject to these acts will be required to seek approval of the relevant local conservation commissions before proceeding with implementation, as well as notifying nearby landowners and any other affected parties.

### **401 Water Quality Certification for Discharge of Dredged or Fill Material, Dredging, and Dredged Material Disposal in Waters within the Commonwealth (314 CMR 9.00)**

These regulations are promulgated by MassDEP to carry out its statutory obligations to certify that proposed discharges of dredged or fill material, dredging, and dredged material disposal in waters of the United States within the Commonwealth will comply with the Surface Water Quality Standards and other appropriate requirements of state law.

### **6.1.3 Local Laws**

As appropriate, restoration actions will consider and comply with local plans and ordinances. Relevant local plans could include shoreline and growth management plans. Relevant ordinances could include, but not be limited to, zoning, construction, noise, and wetlands. For example, in Massachusetts, municipal Conservation Commissions are empowered to administer the WPA (M.G.L. Chapter 131 s. 40) and may also adopt local bylaws as well as undertake other activities such as natural resource planning and land acquisition “for the promotion and development of the natural resources and for the protection of watershed resources of said city or town.”

## **6.2 Policies and Directives**

### **6.2.1 Federal Policies and Directives**

The following federal policies and Presidential Executive Orders may be relevant to the proposed restoration projects in the proposed alternative.

#### **U.S. Fish and Wildlife Service Mitigation Policy (Fish and Wildlife Service Manual, 501 FW 2)**

This USFWS policy seeks to ensure “no net loss” of fish and wildlife habitat as a result of USFWS actions. The Trustees do not anticipate that any of the proposed projects will result in adverse impacts to habitat.

#### **Executive Order 11988 – Floodplain Management**

Under this 1977 Executive Order, federal agencies are directed to avoid the occupancy, modification, and development of floodplains, when there is a practical alternative. For example, the proposed boat access site at Aikens Road would not be subject to this Executive Order, because boat access by definition must extend through the floodplain to the water’s edge. For all projects, the Trustees will work to ensure that any floodplain impacts are minimized.

#### **Executive Order 11990 – Protection of Wetlands**

This Executive Order instructs federal agencies to avoid adverse impacts associated with destruction or modification of wetlands. The Trustees will work to ensure that any wetlands impacts associated with proposed projects are minimized and all necessary permits are obtained.

#### **Executive Order 12898 – Environmental Justice**

This Executive Order instructs federal agencies to assess whether minority or low-income populations would be disproportionately impacted by agency actions. There are EJ populations in the SuAsCo Watershed in Acton, Framingham, Hudson, Marlborough, Chelmsford, Clinton, Concord, Grafton, Lowell, Tewksbury, Upton, and Westborough (EEA, 2002). The proposed projects are not expected to adversely affect the environment or human health for these EJ populations. Some of the proposed alternatives (especially in the education and recreation categories) are likely to provide benefits to these communities.

#### **U.S. Fish and Wildlife Service Great Meadows NWR Comprehensive Conservation Plan**

The Comprehensive Conservation Plan provides long-term guidance for management decisions; sets forth goals, objectives, and strategies needed to accomplish refuge purposes; and identifies the USFWS’ best estimate of future needs.

### **Concord, Assabet, & Sudbury Wild & Scenic River Stewardship Council**

The RSC was established to coordinate conservation of the 29-mile Wild and Scenic River segment. The RSC functions as an official advisory committee to the National Park Service on federal permits affecting the rivers' outstanding resources. The RSC has representatives from the Towns of Bedford, Billerica, Carlisle, Concord, Framingham, Lincoln, Sudbury, and Wayland, as well as the Organization for the Assabet River, Sudbury Valley Trustees, the Commonwealth of Massachusetts (appointed by the Governor), USFWS, the National Park Service, and the SuAsCo Watershed Community Council (added in 2005).

At the local level, the RSC serves as an advisory function; its stated purpose is to “promote the long-term protection of the rivers by (1) bringing together on a regular basis various parties responsible for river management; (2) facilitating agreements and coordination among them; (3) providing a focus and a forum for all river interests to discuss and make recommendations regarding issues of concern; and (4) coordinating implementation of [the] River Conservation Plan.”

### **6.2.2 State and Local Policies**

#### **Massachusetts EEA Land Acquisition Policies**

Under the provisions of 301 CMR 51.05, the EEA (then referred to as the Executive Office of Environmental Affairs), established a set of four land due diligence acquisition policies on August 1, 1995. The policies cover appraisals, environmental site assessments, surveys, and title examinations reports.

#### **Environmental Justice Policy of the Executive Office of Energy and Environmental Affairs**

It is the policy of the EEA that EJ shall be an integral consideration to the extent applicable and allowable by law in the implementation of all EEA programs, including but not limited to, the grant of financial resources; the promulgation, implementation, and enforcement of laws, regulations, and policies; and the provision of access to both active and passive open space. Working with EJ populations, EEA will take direct action as part of the implementation of this policy to restore degraded natural resources, to increase access to open space and parks, and to address environmental and health risks associated with existing and potential new sources of pollution. This EJ policy applies to all agencies of the EEA.

#### **Other State and Local Policies**

Proposed restoration projects will consider and comply with other relevant state and local policies and directives such as the EEA EJ policy and MassDEP's Stormwater Discharge policy.

## 7. Public Comments and Trustee Responses

This section summarizes the public comments received on the Draft RP/EA and provides the Trustees' responses to those comments. The public comment period on the Draft RP/EA was held from November 25, 2011 through January 23, 2012 (60 days). A public meeting was held on the Draft RP/EA in Framingham, Massachusetts, on December 14, 2012, with more than 26 people in attendance. Six comments were made at the public meeting. In addition, 22 written comments were received during the public comment period. Many of these comments addressed multiple topics.

Commenters included private citizens and representatives of various organizations and agencies with an interest in the Nyanza Superfund Site RP/EA (Table 19). The responsiveness summary in this section summarizes similar comments together, rather than repeat each comment verbatim. Copies of original comments (including a summary of public meeting comments) are provided in Appendix D.

**Table 19. List of commenters on the Nyanza Draft RP/EA**

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### Oral comments

Ginger Esty, Town of Framingham Board of Selectmen  
 Tom Largy, Town of Wayland Surface Water Quality Committee (also provided written comments)  
 Richard Miller, Chair of Cochituate State Park Advisory Committee (also provided written comments)  
 Peter Pleshaw, Framingham Town Meeting Ways and Means Committee, Salem End Road property owner  
 Libby Herland, Refuge Manager for Great Meadows National Wildlife Refuge and chair of Cooperative Invasive Species Management Area (also provided written comments)  
 Doug Smithwood – U.S. Fish and Wildlife Service Fisheries Assistance, Nashua, NH (also provided written comments)

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### Written comments

#### *Municipalities*

Town of Ashland, Open Space Committee  
 Town of Ashland, Conservation Commission  
 Town of Framingham, Board of Selectmen  
 Town of Wayland, Surface Water Quality Committee  
 Town of Sudbury, Conservation Commission

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#### *State representative and agencies*

Representative Chris Walsh (6th Middlesex District)  
 Massachusetts Department of Fish and Game, Office of Fishing and Boating Access  
 Massachusetts Department of Conservation and Recreation, Division of Water Supply

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**Table 19. List of commenters on the Nyanza Draft RP/EA (cont.)**

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*Federal agencies*

U.S. Fish and Wildlife Service, Great Meadows National Wildlife Refuge  
U.S. Fish and Wildlife Service, Central New England Fishery Resources Office

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*Conservation groups*

Southborough Open Land Foundation  
Sudbury Valley Trustees  
OARS (the watershed organization for the Assabet, Sudbury, and Concord rivers)  
Lowell Parks and Conservation Trust  
Sudbury-Assabet-Concord Wild and Scenic River Stewardship Council  
Sudbury-Assabet-Concord Cooperative Invasive Species Management Area  
Cochituate State Park Advisory Committee  
Cedar Swamp Conservation Trust

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Overall, the comments fell into two categories:

1. General comments on the Draft RP/EA and the natural resource damage assessment process
2. Comments specific to individual projects.

The Nyanza Trustees acknowledge and thank all individuals, organizations, and agencies who took the time to attend the public meeting and/or provide comments on the Draft RP/EA. Additional opportunities for public involvement as projects are planned and implemented will be provided on the Nyanza natural resource damage assessment website (<http://www.mass.gov/dep/cleanup/sites/nrd/nrdny.htm>), and the Trustees hope that the public will continue to stay engaged with this process.

## **7.1 General Comments on the Draft RP/EA and the Natural Resource Damage Assessment Process**

The Nyanza Trustees received several general comments and observations on the Draft RP/EA and the natural resource damage assessment process.

**General Comment #1:** Four commenters provided support for the RP/EA:

- ▶ The Great Meadows NWR noted that “The plan clearly presents projects that, when implemented, will address the damages that was done to the aquatic resources of the Sudbury River and its associated wetlands, the wildlife that depends on these resources for survival, and the people who enjoy these resources for recreation. The mix of ecological, land protection, recreational and educational projects is appropriate and highly supportable. . . In addition, the draft plan clearly explains the eligibility and evaluation criteria for the restoration projects.”
- ▶ The watershed organization for the Assabet, Sudbury, and Concord rivers (known as OARS), noted that “OARS believes that the draft plan is a reasonable and thoughtful approach to restoring the natural resources and natural resource services damaged by the pollution released from the Nyanza chemical dump site.”
- ▶ The LPCT noted that “From LP&CT’s perspective this draft plan brings forth a reasonable response and approach to restoring the watershed values impacted by the Nyanza Superfund site.”
- ▶ The SuAsCo Wild and Scenic RSC noted that the National Park Service and RSC “are generally supportive of the conclusions of this RP and feel the variety of projects proposed are very complementary to our management and protection efforts.”

**Response:** The Nyanza Trustees appreciate the support expressed for the mix of projects selected in the RP/EA.

**General Comment #2:** Representative Chris Walsh of the 6th Middlesex District noted an overall objection to the Draft RP/EA in his letter writing that “Many of the projects in the proposal, while most assuredly valuable in themselves, have only a tenuous and tangential connection to the actual contamination or the contaminated communities and I don’t see how they can be construed as mitigation for the Nyanza Contamination.” He also noted “Projects on the Assabet River, in the Great Meadows Preserve or in Central America have no tangible connection to the contaminated site or the communities which bear the continual brunt of this ecological tragedy.” Two commenters similarly requested that projects that are farther away in the watershed be shifted to communities directly impacted by the Site. One additional commenter at the Framingham public meeting also requested that the Assabet River be removed from the major list of locations to receive funding.

**Response:** The Nyanza Trustees are committed to using natural resource damage assessment settlement funding in accordance with their responsibility under Section 107(f)(1) of CERCLA to “restore, replace, or acquire the equivalent of natural

resource injured, destroyed, or lost as a result of the release of hazardous substances.” The EPA has been overseeing the cleanup of contamination from the Nyanza Chemical Waste Dump Superfund Site. Thus, the Trustees are focusing on compensatory restoration for injuries to natural resources. The Trustees have selected restoration projects throughout the watershed, in part, because mercury from the Site has contaminated the river as far as the confluence of the Sudbury and Assabet rivers in Concord. In addition, the fish and wildlife that were harmed from the contamination range over a wide area (beyond the directly contaminated communities). For both these reasons, the Trustees have selected project locations that can best restore the injured resources and the services they provide. Although the vast majority of the projects and funding have been focused in areas and communities on and adjacent to the Sudbury River, the Trustees will consider projects in other locations where they can best restore injured resources and the services they provide.

**General Comment #3:** Several comments were received regarding the public involvement process during preparation of the Draft RP/EA. Representative Chris Walsh noted “I would have strongly advocated that this process were more community centric – meetings with the Framingham and Ashland communities to ask about the impacts and possible mitigations, as it is, the process seems more geared to existing watershed groups. . .” The Cochituate State Park Advisory Committee noted that it was difficult to coordinate with state agencies because of “a brief response period” that coincided with “long, year-end State staff vacations.”

**Response:** The Trustees have worked to engage the public throughout the restoration planning process, beginning in 2008 and 2009 with a series of informal meetings and then two formal public meetings held to solicit more involvement. These meetings were held in Framingham and were attended by representatives and citizens from Framingham and Ashland. A summary of the public involvement process is provided in Section 1.6.2 of the RP/EA. The comment period on the Draft RP/EA was extended from the typical 30-day period to a 60-day period because of its overlap with the year-end holidays. The Trustees hope that the public will continue to stay engaged with the process during project implementation. The Trustees maintain an email distribution list [interested parties can be added to the list by contacting Karen Pelto (Karen.Pelto@state.ma.us)] and posting important notices on the Nyanza Trustee website (<http://www.mass.gov/dep/cleanup/sites/nrd/nrdny.htm>).

**General Comment #4:** The SuAsCo Wild and Scenic RSC and the USFWS, Eastern Massachusetts NWR Complex both requested that more information be provided on the implementation phase for restoration projects, asking for more information on next steps, a timeline for implementation, links to reports cited in the Draft RP/EA, explicit information on how the project will be implemented, and who will implement the project.

**Response:** The Trustees have added additional information on implementation mechanisms to Table 2 in the RP/EA, noting for each project how the implementation will occur. Links to reports cited in the RP/EA were added to Table 1 and are in the bibliography. The Trustees will add an expected implementation timeline to the Nyanza Trustee website.

## 7.2 Comments on Specific Projects

Numerous comments specific to the proposed restoration projects were received during the public review process.<sup>7</sup> Comments and Trustee responses to each comment are outlined below. The comments are organized by proposed restoration project, as numbered in the Draft RP/EA. Not all projects received comments.

### 7.2.1 Comments on Control of Aquatic Weeds in the Sudbury River Watershed (Project 4.3.2)

**Comment #1:** A letter of support for the Control of Aquatic Weeds in the Sudbury River Watershed project was received from the Town of Wayland’s Surface Water Quality Committee. The commenter “recommends that the Nyanza Trustees create plans that result in thorough eradication efforts of sufficient duration.” In oral comments received at the Framingham public meeting, this commenter also recommended that weed control start at the upstream reaches of the Sudbury River and then move downstream.

**Response:** The Nyanza Trustees appreciate the support expressed for the Control of Aquatic Weeds in the Sudbury River Watershed project. With limited funding, the Trustees chose to provide larger amounts of funding for a shorter period of time (instead of smaller amounts over a longer duration), so that subsequent years of control would require less effort and be more easily funded by other sources. The Trustees will work with CISMA to identify the appropriate sequence of locations for control efforts; the Trustees agree that is likely to be more effective to start in the upstream reaches of the watershed to control source areas.

**Comment #2:** A letter of support for the Control of Aquatic Weeds in the Sudbury River Watershed project was received from the USFWS’ Great Meadows NWR. The commenter requested the following specific changes to the RP/EA: Use the full name of the Assabet River NWR in the report (instead of Assabet NWR), update aquatic weeds timelines past 2010, and allow flexibility for distribution of funds within the aquatic weeds project.

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7. Several commenters included multiple topics in their comments.

**Response:** The Nyanza Trustees appreciate the support of the Great Meadows NWR as a partner for several of the projects in the RP/EA. The requested changes to the RP/EA have been made with respect to the Assabet River NWR and the aquatic weeds timeline. The RP/EA has been revised to note that the project allows for flexibility for allocation of funding within the project with Trustee oversight. The Trustees expect that there will be an annual assessment and adjustment to project locations and targets that will be made based on the prior year's experience and the next year's priorities.

**Comment #3:** Letters of support for the Control of Aquatic Weeds in the Sudbury River Watershed project were received from the Sudbury Valley Trustees; the watershed organization for the Assabet, Sudbury, and Concord rivers (known as OARS), the SuAsCo Wild and Scenic RSC, and the SuAsCo CISMA. Additionally, the SuAsCo CISMA suggested several revisions and edits to the RP/EA: (1) update CISMA project partners to 37 (not 20); (2) change the date for completion of assessment of water chestnut infestation, which is listed as 2010 in the Draft RP/EA; and (3) update costs which were originally based on 2008 estimates. The SuAsCo CISMA also requested flexibility of allocation within the aquatic weeds project.

**Response:** The Nyanza Trustees appreciate the support of these organizations for the Control of Aquatic Weeds in the Sudbury River Watershed project. The requested revisions to the RP/EA have been made with respect to the number of project partners, the date for completion of the water chestnut assessment, and flexibility for allocation of funding within the project with Trustee oversight.

### 7.2.2 Comments on Habitat Restoration to Benefit Coldwater Fish (Project 4.3.3)

**Comment #1:** Letters of support for the Habitat Restoration to Benefit Coldwater Fish project were received from the watershed organization for the Assabet, Sudbury, and Concord rivers (known as OARS); the Cedar Swamp Conservation Trust (CSCT); and one private citizen. The Great Meadows NWR included a question regarding how streams other than Jackstraw Brook could be candidates for restoration. The letters also contained helpful recommendations for how the project should succeed, including recommendations to:

1. Have the DFG take a lead role in planning and managing the project
2. Work with the Westborough Community Land Trust or the Sudbury Valley Trustees to obtain CRs for impacted property owners
3. Consider other brooks with brook trout that would be worthwhile to survey, including the Pine Brook, Hayward Brook, and Upper Mill Brook in Wayland; the trout brook in Sudbury; and the second division brook in Concord.

**Response:** The Nyanza Trustees appreciate the support expressed for this project and have taken note of the helpful recommendations and information provided by the commenters. The Trustees expect that the MassWildlife Division of Ecological Restoration within the DFG will play important roles in implementing the project and working with the Trustees to decide which streams are candidates for restoration.

### 7.2.3 Comments on Concord River Diadromous Fish Restoration: Feasibility and Stewardship (Project 4.3.4)

**Comment #1:** The USFWS Central New England Fishery Resources Office provided a letter of support for the Concord River Diadromous Fish Restoration: Feasibility and Stewardship project that also included additional information about the American eel, river herring, and the current status of fish passage at each dam. Specific edits were recommended to update the legal status of the American eel and river herring to acknowledge that the species are currently in the 12-month status review phase of the listing process for the Endangered Species Act.

**Response:** The Nyanza Trustees appreciate the support and cooperation of the Central New England Fishery Resources Office for this project and have taken note of all the information provided. The RP/EA has been revised to acknowledge the current legal status of the American eel and river herring. The descriptions of the current status of fish passage at each dam have not been revised because the Trustees expect to conduct a full feasibility study of fish passage as part of this project and the status of fish passage at that time will be carefully evaluated.

**Comment #2:** The watershed organization for the Assabet, Sudbury, and Concord rivers (known as OARS) submitted a letter of support that included support for the Concord River Diadromous Fish Restoration: Feasibility and Stewardship project and indicated interest in being a stakeholder for this project.

**Response:** The Nyanza Trustees appreciate the support offered by OARS and encourages OARS to continue to play an active role in the development of the project. OARS (together with all other interested parties) will continue to receive updates on the process through the Trustee mailing list coordinated by Karen Pelto. Opportunities for public involvement also will be posted on the Nyanza natural resource damage assessment website (<http://www.mass.gov/dep/cleanup/sites/nrd/nrdny.htm>). As described in the RP/EA, public informational meetings will be held throughout the process to afford stakeholders an opportunity to provide input on the project.

**Comment #3:** Letters of support for the Concord River Diadromous Fish Restoration: Feasibility and Stewardship project were received from the Great Meadows NWR, LPCT, the SuAsCo Wild and Scenic RSC, and the Cochituate State Park Advisory Committee.

**Response:** The Nyanza Trustees appreciate the support expressed for the Concord River Diadromous Fish Restoration: Feasibility and Stewardship project and encourage continued involvement in the public informational meetings that will be held as this project develops.

#### 7.2.4 Comments on Sudbury RiverSchools Program (Project 4.3.5)

**Comment #1:** Letters of support for the Sudbury RiverSchools Program project were received from the Great Meadows NWR; the watershed organization for the Assabet, Sudbury, and Concord rivers (known as OARS); LPCT; and the SuAsCo Wild and Scenic RSC. One commenter requested additional details on project implementation.

**Response:** The Nyanza Trustees appreciate the support for the proposed Sudbury RiverSchools Program. A similar program was funded with natural resource damage assessment settlement funding in the Housatonic River Watershed and was implemented by MassAudubon and the Housatonic Valley Association. A professional evaluation of the Housatonic Environmental Literacy Program noted that the program “was successful at achieving the majority of desired student outcomes,” including helping students to “increase their content knowledge regarding environmental science” and increasing student “interest and motivation to engage in environmental activities on the Housatonic River.” The Trustees expect that the RiverSchools Program will be similarly successful.

The full implementation details for the RiverSchools Program have not yet been determined, but one likely possibility is that MassAudubon would sponsor several different events/training programs throughout the watershed and invite the participation of all the school districts in the watershed. At these programs, MassAudubon would explain this new project to help bring a hands-on watershed curriculum to schools and explain the funding available for the program. The structure of the program would then be based on community interest and program capacity. If a large number of school districts seem interested, a program could focus solely on 5th/6th graders and reach many school districts. If only a small number of school districts are interested, more grades could be included. The exact structure of the program would depend on the level of interest expressed and program capacity. If the level of interest exceeds the available funding, then the Trustees would establish objective criteria for selecting communities.

**Comment #2:** One comment opposed to the RiverSchools Program was submitted. This commenter noted that a short-term program in multiple locations was unlikely to have a significant effect and the Trustees would have a greater long-term impact in the watershed if they funded a permanent education center at Cochituate State Park.

**Response:** The Nyanza Trustees understand the desire for a permanent environmental education center at Cochituate State Park. However, the funding of a construction project does not meet the eligibility criteria developed by the Trustee Council of demonstrating “significant nexus to the restoration, rehabilitation, replacement, and/or acquisition of the equivalent of natural resources or . . . natural resource services that were injured by the release of mercury or other hazardous substances from the Nyanza Federal Superfund Site.” In contrast, funding provided to the RiverSchools Program will go directly toward increasing student understanding of and engagement with the Sudbury River. The evaluation of the Housatonic Environmental Literacy Program indicated that some participating teachers had taken the lessons and added additions and extensions on their own, suggesting that the program may have lasting impacts after this funding is finished.

### 7.2.5 Comments on Greenways North Field Restoration (Project 4.4.1)

**Comment #1:** Letters of support for the Greenways North Field Restoration project were received from the Great Meadows NWR and the Sudbury Valley Trustees. The Sudbury Valley Trustees requested that “the committee consider the alternative of restoring the field to a hay field (either native cold season or traditional hay species) rather than a mix of native forbs. This may be a better long-term solution for two reasons: (1) American bobolink prefer hay fields for nesting, and (2) the cost for maintaining a hay field is lower than a mixed forb grassland because the costs of maintenance are borne by the farmer.”

**Response:** The Nyanza Trustees appreciate the support expressed for this project. The Trustees are flexible with regard to the potential management of the North Field, as long as the management actions are consistent with the objectives of the project to restore grassland habitat that is used by nesting and feeding birds and other wildlife. The Trustees expect to review specific proposed management plans as one of the conditions for funding. The project description for this project in Section 4.4.1 of the RP/EA has been revised to indicate this flexibility.

### 7.2.6 Comments on Neotropical Connections (Belize) (Project 4.4.2)

**Comment #1:** The Great Meadows NWR and one private citizen expressed support for this project in their letters and/or public testimony at the Framingham public meeting.

**Response:** The Nyanza Trustees appreciate the support expressed for this project.

**Comment #2:** Representative Chris Walsh, 6th Middlesex District, registered an objection to this project, noting in his letter that “Projects in Central America have no tangible connection to

the contaminated site or the communities which bear the continual brunt of this ecological tragedy.”

**Response:** The Nyanza Trustees believe that the Neotropical Connections (Belize) project will benefit neotropical songbird migrants that utilize Central American wintering habitat as well as nesting areas in the SuAsCo Watershed. These migratory songbirds were impacted by hazardous substance releases from the Site. The intent of the educational component of this project is to use bird-tracking devices to demonstrate a tangible connection between the neotropical migrant bird populations in the SuAsCo communities and the wintering habitat they depend on in Central America. We appreciate the desire to spend restoration funds locally, and note that only \$75,000, or 2%, of the entire settlement fund is being used for this project.

### 7.2.7 Comments on Sudbury River Corridor Land Acquisitions (Project 4.4.3)

**Comment #1:** Letters of support for this project were received from the Great Meadows NWR and the Sudbury Valley Trustees. The Sudbury Valley Trustees expressed concern about “reliance on the Route 495/MetroWest Corridor Plan for identification of priority parcels for protection, as we do not believe that plan includes a comprehensive list of properties meriting protection.”

**Response:** The Nyanza Trustees appreciate the support expressed for this project. The Route 495/MetroWest Corridor Plan does not identify specific properties, but rather provides maps of larger areas that have been identified as “Priority Development Areas,” which are “locations potentially capable of supporting additional development or redevelopment, but that may first require additional investments in infrastructure”; and “Priority Preservation Areas,” which “deserve special protection due to significant environmental factors and/or natural features, such as endangered species habitats, large blocks of high quality intact habitat (BioMap2), areas critical to water supply, scenic vistas, areas important to a cultural landscape, or areas of historical significance.” The Trustees do not intend to use these maps as absolute criteria for selection of a parcel, but rather as a helpful tool for evaluating candidate parcels for funding. The RP/EA has been edited to state that “The Trustees **expect** that land acquisitions funded through the Nyanza settlement will be consistent with the Route 495/MetroWest Corridor Plan” instead of “The Trustees **intend** that land acquisitions. . .”

**Comment #2:** The Town of Sudbury Conservation Commission submitted a comment requesting that “projects already submitted within the earlier deadline, where appraisals have been conducted, site visits made, and justification presented, should not be required to reapply, but should automatically be considered for funding.” The Great Meadows NWR also requested expedited consideration for the USFWS to obtain lands within the boundary of the NWR.

**Response:** The Nyanza Trustees understand that the natural resource damage assessment restoration planning process has been lengthy. The initial request made by the Trustees was a “Request for Ideas” so that the Trustees could evaluate potential restoration projects. This process does not constitute a formal request for funding and thus, a formal RFR process is still required. After the publication of this Final RP/EA, the Trustees will be able to initiate a formal RFR by the Commonwealth of Massachusetts for potential land acquisition projects. All parties who submitted potential land acquisition projects under the Request for Ideas will be notified of the RFR. The RFR will also be publicized on the Nyanza natural resource damage assessment website (<http://www.mass.gov/dep/cleanup/sites/nrd/nrdny.htm>).

The Trustees expect that this RFR will be structured as a two-part process: (1) an initial step with a short deadline to allow the Trustees to consider some parcels on an expedited basis, where these parcels represent time-limited opportunities; and (2) a second step with a more extended deadline to allow more parcels to be identified and considered by the Trustees. The Trustees seek to evaluate the benefits and costs of acquisition opportunities throughout the watershed and an RFR is the most appropriate mechanism to do this. Entities such as the USFWS that can be funded through an interagency agreement will not be required to formally respond to the RFR but will need to provide the Trustees with the same information on the same deadlines, so comparisons can be made fairly.

#### **7.2.8 Comments on Creation of Stearns and Brackett Reservoirs Wildlife Preserve (Project 4.4.4)**

**Comment #1:** Letters of support for this project were received from multiple parties (Town of Ashland Open Space Committee, Town of Ashland Conservation Commission, MA DCR – Division of Water Supply, Sudbury Valley Trustees, and four private citizens).

**Response:** The Nyanza Trustees appreciate the support expressed for this project. This project has been selected as a Tier 1 project. The Trustees hope that there will be a successful response to the planned RFR to identify the municipal or nonprofit entity that would enter into a 99-year conservation lease for the two reservoirs and surrounding state-owned land.

**Comment #2:** The Town of Framingham Board of Selectmen indicated general support for the Creation of Stearns and Brackett Reservoirs Wildlife Preserve project, but noted several conditions to its support:

1. The town should receive additional funding to further the intent of the preserve
2. The State Division of Conservation and Recreation should retain ownership of the reservoirs, but the ownership of the acreage surrounding 322 Salem End Road should be transferred to the Town of Framingham's Parks and Recreation department for recreational uses
3. The town will not provide any substantial resources, financial or otherwise, to manage the property
4. The management plan should protect and maintain the privacy rights of local residents and property owners close to the levels that currently exist
5. Additional public access points should be explored at limited locations, without significant changes in current use
6. The environment should be preserved for natural habitat
7. The development of the management plan should include a comprehensive public involvement process.

The Town of Framingham indicated a willingness to provide a newly reclassified position within their Parks and Recreation department to help coordinate volunteer labor and alternative resources, suggested a partnership with the Keefe Technical School for development of the 322 Salem End Road property as an education center, and indicated that plans for future management could include involvement of the professional expertise of the town's Parks and Recreation and Conservation departments.

**Response:** The Nyanza Trustees appreciate the support of the Town of Framingham for the general concept of this project while also understanding the town's concern that the creation of a wildlife preserve at the Stearns and Brackett reservoirs not become a long-term financial or management liability for the town. The Trustees do not intend to structure this project in a way that will burden the town with unwanted management or financial liabilities. The Trustees view this project as an integrated whole, which includes creation of an official wildlife preserve at the reservoirs, development of a stewardship plan, development of appropriate recreational opportunities including boat access, creation of safe public access to 322 Salem End Road, and initial implementation of the stewardship plan. Thus, the Trustees respectfully decline the town's recommendation to

separate the development and use of 322 Salem End Road from creation of a wildlife preserve through a 99-year conservation lease. The Trustees expect that an important condition of the proposed RFR for a 99-year conservation lease will be the financial and management capacity of the selected entity to engage in appropriate long-term management of the wildlife preserve, without continuous support from the natural resource damage assessment funding. The Trustees also agree that the development of the management plan should include public involvement so that the concerns of residents and property owners can be addressed.

**Comment #3:** Representative Chris Walsh of the 6th Middlesex District indicated general support for the Creation of Stearns and Brackett Reservoirs Wildlife Preserve project, but expressed concern for the contamination that may remain in the reservoirs. Representative Walsh expressed a desire that the natural resource damage assessment funding be used to mitigate contamination in communities directly affected by the Nyanza landfill.

**Response:** The Nyanza Trustees are committed to using natural resource damage assessment settlement funding in accordance with their responsibility under Section 107(f)(1) of CERCLA to “restore, replace, or acquire the equivalent of natural resource injured, destroyed, or lost as a result of the release of hazardous substances.” The Creation of Stearns and Brackett Reservoirs Wildlife Preserve project is intended to restore riparian and floodplain resources and the recreational use of these resources that were impacted by hazardous substance releases at the Site. As mentioned previously, EPA has the lead role for directing the cleanup of contamination from the Site.

**Comment #4:** The DFG’s OFBA provided a letter of support for the Creation of Stearns and Brackett Reservoirs Wildlife Preserve project and specifically for “developing boat access to the reservoirs.” OFBA pledged “design and permitting services; assistance with construction funding if needed; and construction inspection for at least one appropriately sited boating access facility.”

**Response:** The Nyanza Trustees appreciate the support offered by OFBA. The description of the “Creation of Stearns and Brackett Reservoirs Wildlife Preserve project” has been revised to acknowledge the involvement of OFBA.

**Comment #5:** The watershed organization for the Assabet, Sudbury, and Concord rivers (known as OARS) submitted a letter of support that included support for the Creation of Stearns and Brackett Reservoirs Wildlife Preserve project and indicated interest in being a stakeholder in the process.

**Response:** The Nyanza Trustees appreciate the support offered by OARS and encourages OARS to continue to play a role in the development of the project. Opportunities for involvement will include responding to the RFR for a 99-year conservation lease for the two reservoirs and surrounding state-owned land, partnering with an organization that

responds to the RFR, and participating in the development of the management plan for the reservoirs.

**Comment #6:** One private citizen submitted a letter of support for the Creation of Stearns and Brackett Reservoirs Wildlife Preserve project with several specific comments and recommendations:

1. With respect to the stewardship plan, the commenter noted that the 1912 and 1913 Land Surveys show a narrow buffer around most of the reservoir which may preclude trail construction.
2. The commenter requested that “any land that might be considered part of the Stearns Reservoir should be considered, along with the 15 acre property owned by Framingham Conservation Commission that [is] north of Old Worcester Rd. and abuts the Foss Reservoir lands) as part of the Foss Reservoir public access plan.”
3. The commenter requested that the sentence on page 84 “The plan would limit any activities in the Sudbury River or on its banks that could lead to resuspension of contaminated sediments” be modified to be consistent with the wording in Table 12: “Potential impacts from work in riparian habitat to create boat launches or public access will be mitigated with BMPs and revegetation of any impacted areas.”

**Response:** The Nyanza Trustees appreciate the support offered to this project and the detailed suggestions. The proposed stewardship plan will identify appropriate locations for trails on public land; the Trustees agree that narrow strips of public buffer land around the reservoirs are unlikely to be appropriate locations for trails. The Trustees also intend that the Stearns and Brackett reservoirs stewardship plan will complement the Foss Reservoir public access plan and not conflict with or overlap with that plan. Finally, the sentence referred to on page 84 has been modified to read “The plan would identify any activities in the Sudbury River or on its banks that could lead to resuspension of contaminated sediments. Consultation with the EPA and appropriate state health authorities would be conducted to ensure that any planned activities would not impact public or environmental health.”

**Comment #7:** Two private citizens commented on boat access. One commenter requested that the “boat launch” referred to in the draft description “should be for ‘car-top boats’ only and not include a ‘boat ramp’ as mentioned in the middle of page 86 as this infers access to trailers for larger motorized boats.” A second commenter requested that the Trustees consider the needs of boaters with trailered boats, “as the exclusion of larger boats may also exclude the older, handicapped, and more infirm among us.” The first commenter also proposed a specific location for boat access at the Winter St. bridge and a request that safe public access includes portages

over the Brackett Dam to connect the reservoirs and over the Stearns Dam to connect the Stearns Reservoir to the Sudbury River.

**Response:** The Nyanza Trustees appreciate these specific suggestions. Specific locations and plans for boat access will be developed as part of the stewardship plan. The Trustees expect that only non-motorized boats will be allowed on the reservoir to better manage the area as a wildlife preserve. The project description has been modified in the revised plan to address this issue. However, the specific designs for boat access and whether they would provide for trailered boats as well as car-top boats have not yet been determined. The Trustees hope that all interested members of the public will stay engaged with the development of the stewardship and management plan to ensure that their concerns are heard.

**Comment #8:** During the December 14, 2011 public meeting, one commenter, a Salem End Road property owner, expressed disapproval of the Creation of Stearns and Brackett Reservoirs Wildlife Preserve project as described in the draft RP/EA. The commenter objected to (1) property rights being impacted through addressing encroachment, (2) public access being allowed on the reservoirs for trail use or boating, (3) the appropriateness of Salem End Road being used for an environmental education center, and (4) the proposals being forced on the towns, when Framingham had previously rejected Stearns and Brackett reservoir ownership and public access in the early 1990s. Another commenter indicated a preference for funding an education center at Lake Cochituate State Park, instead of developing the Stearns and Brackett and RiverSchools projects as separate projects. A third commenter also noted that the Towns of Framingham and Ashland had previously rejected ownership in 1994 and that the reservoirs should be left for wildlife without public disturbance.

**Response:** The Nyanza Trustees developed this project with the objectives of providing benefits to riparian habitat and resources and improving recreational opportunities for the local public. The Trustees expect that the stewardship plan for the reservoirs will appropriately address the concerns of private property owners, while also ensuring that the riparian resources along the reservoirs that are part of the public trust are protected from unauthorized encroachment. The Trustees expect that the stewardship plan will also evaluate whether Salem End Road is an appropriate location for public access and educational outreach activities. As described in the Draft RP/EA, a risk assessment of the site determined that human health risks from direct contact with water in the Stearns and Brackett reservoirs was well below the level that would constitute an unacceptable risk. Thus, the Trustees believe that developing appropriate opportunities for public access to the reservoirs would provide a benefit to the public. As discussed in the response to Comment #2, the Trustees do not intend to structure this project in a way that will burden the Town of Framingham with unwanted management or financial liabilities. The Trustees also note that the Town of Framingham supports the general concept of this

project, as does the Town of Ashland (Conservation Commission and Open Space Committee). Also, the Trustees believe that this project will provide long-term benefits to riparian resources and recreational opportunities that would not be addressed through a project at Lake Cochituate. The Trustees have weighed the concerns expressed in these comments versus the multiple, positive comments that were received and have determined that it is appropriate to keep this project as a Tier 1 project in the RP/EA.

#### **7.2.9 Comments on Sudbury River Public Access: Aikens Road (Project 4.5.1)**

**Comment #1:** Letters of support for this project were received from the Town of Ashland Open Space Committee, the Town of Ashland Conservation Commission, the Southborough Open Land Foundation, and two private citizens. Commenters noted that an Aikens Road boat access point would provide access to 2.5 miles of the Sudbury River previously out of reach and connect to the High Street/Gryncel Park access point.

**Response:** The Nyanza Trustees appreciate the support offered to this project.

#### **7.2.10 Comments on Sudbury River Access Improvements: Great Meadows NWR Headquarters (Project 4.5.2)**

**Comment #1:** Letters of support for this project were received from the Great Meadows NWR and one private citizen. One commenter asked the Trustees to take into account the needs of individuals with trailered boats, “as the exclusion of larger boats may also exclude the older, handicapped, and more infirm among us.”

**Response:** The Nyanza Trustees appreciate the support offered to this project. The objective of this project is to increase use of the Great Meadows NWR headquarters as an access point to the Sudbury River through the provision of boat carts and boats. However, developing a trailered, handicapped-accessible launch at the Great Meadows NWR headquarters would involve wetland impact and permitting issues and would be beyond the budget of this project. The Trustees hope that better access for canoes and kayaks at the Great Meadows NWR headquarters will reduce the pressure at Sherman Bridge Road where launch of a trailered boat is possible. The Trustees also note that there is a new boat launch off Route 20 in Wayland that is appropriate for trailered boats to access the Sudbury River.

### 7.2.11 Comments on Red Maple Trail: Boardwalk and Wildlife Observation Platform Construction (Project 4.5.3)

**Comment #1:** One letter of support for this project was received from the Great Meadows NWR. This commenter noted that an alternative construction method will likely be needed to raise the new boardwalk higher than the existing boardwalk to avoid the floods of recent years.

**Response:** The Nyanza Trustees appreciate the support offered to this project and do not foresee any problem with using an alternative construction method. The section of the Draft RP/EA that described a proposed construction method has been removed.

## 8. List of Preparers

This Final RP/EA was prepared by:

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with additional contributions, assistance, and guidance from Karen Pelto, the Nyanza Trustee Council restoration coordinator, and under contract to the EEA and in consultation with the Trustees.

The following Trustee representatives provided report preparation assistance.

- ▶ Dale Young, EEA (former representative)
- ▶ Rosemary Knox, EEA
- ▶ Molly Sperduto, USFWS
- ▶ Ken Finkelstein, NOAA (former representative)
- ▶ Eric Hutchins, NOAA.

## 9. List of Agencies, Organizations, and Parties Consulted for Information

Parties consulted for information include all of the organizations listed in Appendix C that submitted project information forms.

Additional parties consulted include the following:

- ▶ Federal agencies
  - Chris Waldron, USGS
  - Libby Herland, USFWS (Great Meadows NWR)
  - Doug Smithwood and Joe McKeon, USFWS
  - Bart Hoskins and Daniel Keefe, EPA
  - Lee Steppacher, National Park Service
  
- ▶ State agencies
  - Mark Stinson, Wetlands Circuit Rider, MassDEP Western Region
  - Bob O'Connor, MA EEA
  - John O'Leary and Brandon Kibbe, DFG (MassWildlife)
  - Margaret Kearns and Georgeann Keer, DFG (MA DER)
  - Terry O'Brien, DFG (OFBA)
  - William Salomaa, MA DCR (Office of Dam Safety)
  - Elizabeth Sorenson, MA DCR (ACEC Program)
  - John Scannell and Joel Zimmerman, MA DCR (Office of Watershed Management)
  - David Buckley, MassDEP (Bureau of Waste Site Cleanup)
  - Gerard Kennedy, MA Department of Agricultural Resources (Agricultural Environmental Enhancement Program)
  - Jon Regosin, DFG (Natural Heritage and Endangered Species Program)
  
- ▶ Local agencies and other organizations
  - Jane Calvin, Executive Director, LPCT
  - Alisa Landry, Staff Member, Broadmoor Wildlife Sanctuary
  - Laura Mattei, Director of Stewardship, Sudbury Valley Trustees
  - Simon Perkins, Field Ornithologist, Massachusetts Audubon Society
  - Chris Polatin, Owner, Polatin Ecological Services, LLC
  - J.P. Routhier, President, J.P. Routhier & Sons

- Matthew Selby, Conservation Officer, Town of Ashland
- Lou Wagner, Regional Scientist, Massachusetts Audubon Society
- David Evers, BRI
- Jacob Marlin, BFREE
- Thomas Raphael, Chairman, Middlesex Canal Commission.

## References

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## **B. Project Information Form**

**NATURAL RESOURCE DAMAGE ASSESSMENT**  
**RESTORATION PROJECT INFORMATION SHEET**

<b>Organization:</b>		<b>Project Name:</b>	
<b>Organization Web Page:</b>		<b>Project Location,</b>	
<b>Contact Name:</b>		<b>Town &amp; Watershed</b>	
<b>Contact Title:</b>		<b>Latitude/Longitude:</b>	
<b>Contact Address:</b>			
<b>Contact Phone:</b>		<b>Contact Fax:</b>	
		<b>Contact E-Mail:</b>	

***Restoration Activity***

<b>Resource/Habitat/Service</b>	<input type="checkbox"/> Marine/Estuarine Wetland <input type="checkbox"/> Freshwater Wetland <input type="checkbox"/> Groundwater <input type="checkbox"/> Biological (Fish, Birds, Wildlife) <input type="checkbox"/> Upland <input type="checkbox"/> Recreational <input type="checkbox"/>
<b>Restoration Result</b>	<input type="checkbox"/> Creation <input type="checkbox"/> Rehabilitation <input type="checkbox"/> Enhancement <input type="checkbox"/> Protection <input type="checkbox"/> _____ <b>Project Size:</b> _____ <b>Affected Area:</b> _____

***Project Status (please provide as much information as is currently available)***

<b>Activity</b>	<b>Funded?</b>	<b>Completed?</b>	<b>Additional Notes</b>
Planning/Design/Permitting:	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> n/a	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> n/a	
Property or Resource Acquisition:	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> n/a	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> n/a	
Construction:	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> n/a	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> n/a	
Maintenance and Future Activities:	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> n/a	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> n/a	
Future Construction & Oversight:	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> n/a	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> n/a	
Restoration Monitoring:	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> n/a	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> n/a	
Conservation Servitude/Easement		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> n/a	
Other (____):	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> n/a	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> n/a	

***Restoration Description and Benefits***

***Project Partners***

<b>Organization</b>	<b>Contact Information</b>	<b>Project Involvement</b>

## C. Restoration Projects Considered by the Trustee Council

Table C.1 presents a list of all restoration project ideas submitted to the Trustee Council for consideration, as well as additional projects identified by the Trustee Council.

**Table C.1. Natural resource restoration project ideas submitted to the Nyanza Trustee Council or identified by Trustees through site visits and consultations**

Project #	Project title	Organization	Summary
<b>Environmental education and stewardship<sup>a</sup></b>			
1	Protection through Education	Town of Natick	Educate Natick residents and groups on value of SuAsCo Watershed and steps to protect natural resources.
2	Sudbury River NRD Projects Web Based Info Center	Sudbury River Watershed Organization	Website to showcase Nyanza NRD projects; post news articles about Nyanza cleanup; host real-time information on water quality and habitat conditions through monitoring programs; feature recreational activities and access along Sudbury River.
3	Public Information Kiosk	Town of Ashland	Design, construct, and install public information kiosks to educate public about Nyanza, its impacts to Sudbury River and Town of Ashland, and cleanup and restoration efforts.
4	“Come Enjoy the Sudbury River:” Outreach & Education Campaign	SuAsCo Watershed Community Council	Conduct education and outreach campaign to restore safe water-dependent recreational use of Sudbury River, and dispel negative image of the river cast by Nyanza mercury pollution.
5	Sudbury River Environmental Education Program/Institute	SuAsCo Watershed Community Council	Design and offer environmental education programs for youth, families, and adults in a variety of contexts such as schools, community events, recreation programs, libraries, and conservation leadership institutes.
6	Educational/Interpretive Signage	Town of Concord, Division of Natural Resources	Install multilingual signage (Spanish, Portuguese, and English) along Sudbury, Assabet, and Concord rivers at known fishing locations, warning people of dangers of eating fish caught in these waterways.

**Table C.1. Natural resource restoration project ideas submitted to the Nyanza Trustee Council or identified by Trustees through site visits and consultations (cont.)**

<b>Project #</b>	<b>Project title</b>	<b>Organization</b>	<b>Summary</b>
7	“Restoring the Sudbury River:” Outreach & Education Materials	SuAsCo Watershed Community Council	Create education and outreach materials on all NRD projects on Sudbury River, explaining benefits to the river and how the public can help on individual projects or by emulating the project elsewhere. Using one entity to create education materials will provide consistency and continuity to the river-wide restoration effort.
8	Construction of Visitor Center	MA DCR	Plan and construct visitor center at the public day use facility to be accessible to the public for programs and meetings as well as provide interpretive materials about the origin, history, and use of Lake Cochituate as a public water supply and recreational resource.
<b>Freshwater habitat restoration</b>			
9	Jackstraw Brook Restoration and Culvert Replacement	CSCT	Replace the Warren Road culvert and restore Jackstraw Brook, a tributary of the Cedar Swamp ACEC, designated ORW and cold-water fishery.
10	Restoration of Cold-Water Fish in The Sudbury River Basin	USGS and Sudbury River Watershed Organization	Study to address characteristics making one sub-basin able to support a cold-water fishery and the other not. Findings could help prevent marginal cold-water streams from becoming unsuitable cold-water habitat and identify measures to restore cold-water fisheries.
11	Coordinated Dam Management of the Upper Sudbury River	DFG Riverways Program	Develop and implement a reservoir release management plan for major dams along the upper Sudbury River, to more closely resemble a natural flow regime downstream and improve the ecological conditions.
12	Greenways North Field Restoration	Sudbury Valley Trustees	Restore a 7 + acre field in the Greenways Conservation Area, located along the Sudbury River in Wayland to provide habitat for wildlife that use fields and field edges and/or creation of a wet meadow with small pools to create eastern spadefoot toad ( <i>Scaphiopus holbrookii</i> ) habitat.
13	Sudbury River Riparian Buffer Restoration	Sudbury River Watershed Organization	Rehabilitate riparian buffers to restore natural stream functions and aquatic habitats through research and investigation, demonstration plantings, targeted public outreach and education, subsidized native plant sales, restoration activities, and monitoring of results.

**Table C.1. Natural resource restoration project ideas submitted to the Nyanza Trustee Council or identified by Trustees through site visits and consultations (cont.)**

<b>Project #</b>	<b>Project title</b>	<b>Organization</b>	<b>Summary</b>
14	Creation of Stearns and Brackett Reservoirs Wildlife Preserve	MA DCR	Transform 12 miles of shoreline and 175 acres of state-owned land into a Wildlife Preserve: (1) rehabilitate historic building into an education center, offices, and a regional conference center using green technologies to showcase residential energy and water conservation techniques; (2) establish wetland, upland, and riparian sites to demonstrate natural restoration processes for mercury contamination, invasive species control, and wildlife habitat enhancement; and (3) identify and develop public access and recreation opportunities, such as hiking, fishing, and boating.
15	Removal of Tire Dump in Forested Wetlands	Sudbury Valley Trustees; Town of Ashland	Remove illegally dumped tires, asphalt shingles, and metal waste from a forested wetland in Ashland.
<b>Watershed management and protection</b>			
16	Creation of Sudbury River Overlay District	Metropolitan Area Planning Council	Develop toolkit and sample bylaws to be implemented by 10 communities along the Sudbury River: stormwater best practices, LID techniques, landscaping standards and guidelines, groundwater recharge techniques, and invasive species control methods.
17	Wastewater Ground Discharge in the Indian Brook Watershed	CSCT	Conduct hydrogeology study and permitting and acquire land for alternative wastewater ground discharge to recharge Indian Brook, a stressed tributary supporting the Hopkinton State Park Reservoir.
18	Framingham Stormwater Improvements	Town of Framingham, Conservation Commission, and Department of Public Works	Improve stormwater quality: (1) purchase vacuum truck to routinely clean not only catch basins and manholes, but pipes and swirl concentrators; and (2) purchase and install stormwater quality management structures at one or more locations.
19	Chemical Brook Drainline	Town of Ashland	Replace the Chemical Brook drain to ensure its integrity and to alleviate the storm surge that floods the Fire Station and other downtown areas.

**Table C.1. Natural resource restoration project ideas submitted to the Nyanza Trustee Council or identified by Trustees through site visits and consultations (cont.)**

Project #	Project title	Organization	Summary
20	Public Awareness Campaign and Low Impact Development Demonstration Projects for Stormwater Utility	Town of Framingham Department of Public Works	Implement a stormwater utility: Initiate public awareness program including LID demonstration projects; undertake water quality analyses of Sudbury River and major tributaries to monitor improvements; analyze and evaluate different stormwater utility programs; research legal and permitting issues; and develop implementation plan.
21	Stormwater Management Improvements	Town of Concord, Division of Natural Resources	Incorporate infiltration design for all roadway reconstruction projects to reduce peak discharge rates and volumes, as well as maximize groundwater recharge.
<b>Invasive plant species control</b>			
22	Biological Control of Purple Loosestrife	USFWS	Undertake focused multi-year effort to supplement existing <i>Galerucella</i> beetle population to speed up and expand purple loosestrife control and restore native plants that provide food and shelter for wildlife.
23	Sudbury River Invasive Species Removal (Loosestrife)	Town of Ashland	Involve Ashland in program for purchase, rearing, and release of <i>Galerucella</i> beetles.
24	Water Chestnut Control on Concord and Assabet Rivers	USFWS	Institute program for mechanical control and hand-pulling of water chestnut ( <i>Trapa natans</i> ), as well as comprehensive investigation of both rivers to determine total extent of infestation.
25	Heard Pond Water Chestnut Project	Wayland Surface Water Quality Committee	Manage water chestnut in Heard Pond through contracted services for intensive hand-pulling in addition to mechanical harvesting.
26	Mechanical Control of Water Chestnut on Sudbury River and Associated Ponds	USFWS	Support community lease program for aquatic weed harvester to control water chestnut, allowing the partners to use leased harvesters at multiple sites during the optimal time, restricting the ability of chestnut to rebound each year.
27	Aquatic Invasives Species Control (Water Chestnut)	Town of Concord, Division of Natural Resources	Institute leasing program that would allow partners to use leased harvesters at multiple sites during the optimal time, restricting the ability of chestnut to rebound each year.

**Table C.1. Natural resource restoration project ideas submitted to the Nyanza Trustee Council or identified by Trustees through site visits and consultations (cont.)**

Project #	Project title	Organization	Summary
28	Biological Control of Water Chestnut	USFWS	Conduct formal host specificity investigation into biological control of water chestnut, including (1) complete test plant list to be approved by USDA; (2) additional host specificity test run in China and for critical plants in a U.S. quarantine facility (Cornell University); and (3) submission of a proposal to USDA for release of these beetles.
29	Eradication of Water Chestnut	MA DCR	Continue eradication of water chestnut from Fiske Pond beyond the first phase, which began in 2008.
30	Eradication of Milfoil	MA DCR	Eradicate Eurasian watermilfoil ( <i>Myriophyllum spicatum</i> ) from Lake Cochituate using herbicides and mechanical control.
31	Invasive Plant Control	Lincoln Conservation Department	Fund one or more invasive plant specialists to coordinate field work from inventorying to removal and also education and outreach throughout the watershed.
32	SuAsCo Cooperative Invasive Species Management Area	USFWS	Fund CISMA coordinator to implement regional approach to inventory and control invasive plant species, which cross landownership lines.
33	Terrestrial Invasives Species Control	Town of Concord, Division of Natural Resources	Work with USFWS and other partners to control invasive terrestrial plants from the water's edge of the Sudbury River (and possibly the Assabet and Concord rivers) up to the first road crossing or 100 feet from the river, whichever is further, through mechanical, chemical, and hand-pulling efforts.
34	Restoration of Wild Rice	MassWildlife	Restore native wild rice ( <i>Zizania aquatica</i> ) populations to river reaches in Great Meadows NWR to improve habitat values for waterfowl and other birds and wildlife.

**Table C.1. Natural resource restoration project ideas submitted to the Nyanza Trustee Council or identified by Trustees through site visits and consultations (cont.)**

<b>Project #</b>	<b>Project title</b>	<b>Organization</b>	<b>Summary</b>
<b>Land acquisition/habitat conservation</b>			
35	Raytheon Land Acquisition	USFWS	Support cost of services associated with acquisition, including survey, contaminants review, and title clearance, of a parcel owned by Raytheon on Route 20 in Wayland.
36	Reach 8 Wildlife Habitat Acquisitions	Sudbury Valley Trustees	Acquire lands for wildlife habitat within Reach 8, a Primary Target Area delineated by EPA, with a primary focus on riparian habitat/freshwater wetlands in the Towns of Wayland and Sudbury.
37	79 Lincoln Lane, Sudbury	Sudbury Conservation Commission	Outright fee purchase of a 1.2-acre parcel on Lincoln Lane in Sudbury, the only remaining developable lot along this stretch of the Sudbury River.
38	Neotropical Connections (Belize)	USFWS	Protection of overwintering habitat in Southern Belize to benefit neotropical songbird migrants that were impacted by mercury contamination from the Nyanza Site.
<b>Diadromous fishery restoration and stewardship</b>			
39	Anadromous Fish Monitoring and Stewardship	LPCT	Support for continuing and expanding an alewife ( <i>Alosa pseudoharengus</i> ) monitoring program.
40	Fish Passage Restoration	LPCT	Support for feasibility analysis, planning, and design, and restoration/construction that would restore fish passage through current fish barriers in Lowell.
41	Fisheries Resources Protection and Restoration	Organization for the Assabet River	Conduct series of related projects to protect and restore a natural assemblage of fish, including anadromous, catadromous, and fluvial dependent fish, in the Sudbury, Assabet and Concord rivers.
42	GIS-based Map of Sudbury River Fish Communities and Impediments to Fish Passage	USGS, Massachusetts-Rhode Island Water Science Center	Develop a GIS application to permit online users to use new navigation and tracing tools in the USGS Massachusetts StreamStats Application to determine the total stream length and fish community classifications of river reaches located upstream or downstream of selected barriers to fish passage.

**Table C.1. Natural resource restoration project ideas submitted to the Nyanza Trustee Council or identified by Trustees through site visits and consultations (cont.)**

<b>Project #</b>	<b>Project title</b>	<b>Organization</b>	<b>Summary</b>
43	Hydrologic and Water-Quality Support for Fisheries Restoration in Reaches of Sudbury River	USGS	Conduct up to three hydrologic surveys or simulations needed to support an improved fishery in the Sudbury River.
44	Environmental History of Fish Runs and Wetland Meadows	Brandeis University	Conduct research concerning the history of fish runs and dams in the river system and long-term changes in the vegetation and management of the river meadows, from pre-European times to the 20th century.
<b>Recreation and public access</b>			
45	Canoe Launch at Fountain St.	Town of Ashland	Create new roof-top boat access off Fountain Street and parking for shoreline recreational fishing to enhance and encourage recreational use of Sudbury River.
46	Sudbury River Access Improvements	USFWS	Fund engineering studies and permitting of improvements to two popular access points along Sudbury River located on Great Meadows NWR – River Road and Shermans Bridge Road in Wayland.
47	Red Maple Trail Boardwalk and Wildlife Observation Platform	USFWS	Construct Phase I of wheelchair accessible boardwalk and wildlife observation platform overlooking the Sudbury River at the Great Meadows NWR.
48	Upper Sudbury River Public Access for Fishing and Trails	Sudbury River Watershed Organization	Improve and create access for fishing and canoeing in Upper Sudbury River.
49	Riverwalk Bridge at Mill Pond River	Ashland Open Space Committee	Design and construct pedestrian span bridge over narrow inlet at Mill Pond in Ashland to link two sections of the “Riverwalk Trail,” part of the regional Bay Circuit Trail.
50	River Room in Wayland and Path to River	Marilynn Gentry and Ellen Tohn, Wayland	Support creation of “river room” and pathway to the planned boat launch, and boat storage facility for a community-based boating program.
51	Sudbury River Access Improvements: Great Meadows NWR Headquarters	Trustee Council	Purchase boating equipment and boat carts for the use by visitors to the Great Meadows NWR headquarters to reduce overcrowding at Sherman Road Bridge.

a. Projects were submitted to the Trustees for consideration under this category (environmental education and stewardship). In preparing this RP, the Trustees assigned some of these projects to other resource categories.

---

## **D. Public Comments on the Draft RP/EA**

### **Municipal**

Town of Ashland  
Open Space Committee  
Conservation Commission

Town of Framingham  
Board of Selectmen

Town of Wayland  
Surface Water Quality Committee

Town of Sudbury  
Conservation Commission

### **State**

Representative Chris Walsh (6th Middlesex District)

MA Department of Fish and Game  
Office of Fishing and Boating Access

MA Department of Conservation and Recreation  
Division of Water Supply Protection

### **Federal**

U.S. Fish and Wildlife Service  
Great Meadows National Wildlife Refuge  
Central New England Fishery Resources Office  
(American Eel Supporting Documentation)

### **Conservation Groups**

Southborough Open Land Foundation  
Sudbury Valley Trustees  
OARS (Watershed organization for the Assabet, Sudbury, and Concord Rivers)  
Lowell Parks and Conservation Trust  
SuAsCo Wild & Scenic River Stewardship Council

SuAsCo Cooperative Invasive Species Management Area (CISMA)  
Cochituate State Park Advisory Committee  
Cedar Swamp Conservation Trust

**Citizens**

Catherine Rooney  
Bill Fadden, Framingham  
Leslie Githens, Ashland  
Tom Largy, Wayland

Summary of Public Comments from Nyanza NRDAR Restoration Plan Public Meeting,  
December 14, 2011 Framingham, MA Town Hall



**Ashland  
Open Space  
Committee**

Roberta Soolman,  
Chairperson

William Child

Barry Rosen

Beth Rosenblum

Judith Sallet

Cindy Shields

Rob St. Germain

Jeanne Walker

Greg Wands

January 23, 2012

Nyanza Trustee Council  
c/o MassDEP, Bureau of Waste Site Cleanup  
One Winter Street, 6<sup>th</sup> Floor  
Boston, MA 02108,  
Attn: Karen Pelto  
[Karen.Pelto@state.ma.us](mailto:Karen.Pelto@state.ma.us).

Dear Ms. Pelto:

The Ashland Open Space Committee (AOSC) is pleased to submit comments to the Nyanza Trust Council on the Draft Restoration Plan and Environmental Assessment for the Nyanza Chemical Waste Dump Superfund Site. On behalf of the AOSC, I am writing to express the Committee's support for two projects identified as proposed alternatives in the assessment report.

Recognizing that these two proposals will have positive benefits not only for the communities of Ashland, Framingham and Southborough where the projects are located, the AOSC observed they would also be of high value and importance to a broader constituency. Therefore, at their January 11, 2012 meeting and after discussing the report and reviewing the proposed alternatives, the AOSC voted to write a letter of support for two proposals:

- 1) Creation of Stearns and Brackett Reservoirs Wildlife Preserve, and
- 2) Sudbury River Public Access, Aikens Road.

The first proposal, the Creation of Stearns and Brackett Reservoirs Wildlife Preserve, Item 4.4.4 (page 80) entails creating a wildlife preserve around the two reservoirs located within the harmed Nyanza Site boundaries. As written, the creation of the preserve would allow the development of boat launches for (previously unauthorized) cartop boat access to the reservoirs for recreational uses. The creation of the preserve would also offer solutions to restore the shoreline for improved wildlife habitat. The proposal would create a mechanism for ongoing stewardship and monitoring, while also developing a critical public educational component on the history of Nyanza. The AOSC fully endorses these goals and believes that the creation of a stewardship plan with initial funding for implementation will guarantee the long term sustainability of the wildlife preserve.

The second project, Sudbury River Public Access, Aikens Road, Item 4.5.1 (page 88), is for the creation of a publicly accessible cartop boat ramp and parking off Aikens Road on the Sudbury River to improve fishing and boating access. The proposed location for the launch is near where the towns of Southborough, Hopkinton and Ashland intersect.



While the town of Ashland is fortunate to have two public access boating points, currently there is no safe way to access the upstream reaches of the river. Developing the Aikens Road boat ramp would allow paddlers and fishermen easy access to 2.5 miles of the Sudbury previously out of reach, and would be a great addition to the cartop boating inventory by creating a connection to the High Street/Gryncel Park existing access point. As identified in the 2010 Ashland Open Space and Recreation Plan, one of the stated goals was to work towards the creation of additional recreational access to water resources. As defined, this proposal will help to reach that goal.

The AOSC believes that creating a publicly accessible site showcasing educational and historical materials illustrating the history of Nyanza, its impacts to the region and the various restoration efforts employed, would greatly assist in promoting environmental awareness throughout the region, and applauds this effort.

The AOSC endorses these proposals as they offer viable and realistic solutions for protecting valuable ecological resources, enhancing habitat for wildlife, controlling the spread of invasive plants, providing defense against further shoreline encroachment and degradation, and creating new recreational opportunities with access to the water.

Sincerely,

A handwritten signature in cursive script that reads "Beth Rosenblum".

Beth Rosenblum  
Secretary  
Ashland Open Space Committee





# TOWN OF FRAMINGHAM

Memorial Building, 150 Concord Street, Room 121, Framingham, MA 01702  
508-532-5400 | 508-532-5409 (fax) | selectmen@framinghamma.gov | www.framinghamma.gov

## Interim Town Manager

Valerie Mulvey

## Assistant Town Manager

David R. Williams

## Board of Selectmen

Jason A. Smith, Chair  
Charles J. Sisitsky, Vice Chair  
Laurie Lee, Clerk  
A. Ginger Esty  
Dennis L. Giombetti

January 20, 2012

Karen Pelto  
Massachusetts Department of Environmental Protection  
Bureau of Waste Site Cleanup  
One Winter Street, 6th Floor  
Boston, MA 02108

## RE: Town of Framingham Response to Creation of Proposed Stearns and Bracket Reservoir Wildlife Preserve

Dear Ms. Pelto:

The Town of Framingham, through its Board of Selectmen, is pleased to provide the following comments regarding the "*Draft Restoration Plan and Environmental Assessment for the Nyanza Chemical Waste Dump Superfund Site*," dated November 18, 2011 prepared for the Nyanza NRD Trust Council by Stratus Consulting, Inc.

In particular, this correspondence is in response to the restoration plan's proposal to establish a wildlife preserve at the Stearns and Bracket Reservoirs in the Town of Framingham. This proposal is outlined on pages 80 to 87 in the draft restoration plan/environmental assessment.

- While the Town of Framingham is enthusiastic about providing a safe sanctuary for bird and wildlife habitat around the shores of the contaminated resources, we need to remind one and all that Framingham remains the recipient of thousands of tons of mercury and other heavy metals that have drifted into our community from Nyanza.
- The total amount of money available through this fund is inadequate to solve meaningful restoration efforts. Recognizing this fact, we hope that the Trustees will reconsider some of your more geographically dispersed projects which have gained your attention and shift that funding to the local communities directly impacted by the Nyanza site.
- The Town of Framingham and, in particular, its Conservation Commission and Parks and Recreation Commission, also support the creation of a wildlife preserve at the Stearns and

Bracket Reservoirs. The proposal offers both passive and active recreation opportunities of value to the town's residents.

- As a developed community, Framingham has limited opportunities to provide additional recreation resources for the enjoyment of our residents. Our 2008 Open Space and Recreation Plan acknowledged this by recommending improved access to water supply and aqueduct lands under ownership of non-municipal entities. Attachment A provides excerpts from the Open Space Plan and highlights the plan's goals and objectives that would be met by the proposed wildlife preserve.
- The Town agrees that a management plan with requisite public involvement and input is a critical first step toward establishing a wildlife preserve.
- The financial aspects of the proposed wildlife preserve need to be carefully reviewed and discussed. The Town has fiscal constraints that severely restrict its capacity to contribute funds and/or staff resources to implement the plan. In fact, given the significant environmental degradation caused to Framingham reservoirs by an out-of-town entity and the length of time that this situation has been allowed to continue, additional financial resources from the NRD Trust Fund should be provided to the Town of Framingham to further the intent of this wildlife preserve. These resources could include but certainly not be limited to trust funds to ensure successful, long-term ongoing maintenance and management of these reservoir lands. We submit that these funds could be best used where the impact is most severe. In fact, additional public access should not be allowed if significant local resources are expected in order to properly manage the facility and insure public safety.
- The Town can, however, offer the following resources to supplement Trust Fund contributions:
  - A newly reclassified position in the Parks and Recreation Department that develops and coordinates volunteer labor and alternative resources.
  - An excellent working relationship with Keefe Technical School in Framingham, representatives of which have visited and expressed written interest in the property located at 322 Salem End Road as a learning and/or satellite center. This would represent an extraordinary partnership amongst the State, the Town and a public school—consistent with a laudable priority of this program: education. See Attachment B – letter from the superintendent of Keefe Tech.
  - Plans for future management could include involvement of the existing professional expertise of the Parks and Recreation and Conservation Departments. The Parks and Recreation Department currently provides low-cost maintenance to 322 Salem End Road in order to support the area as a storage facility.
  - Until more information becomes available and further discussion ensues, it is the Town's position that DCR should retain the majority of the 175 acres surrounding the reservoirs for purposes of open space and environmental protection, with the exception of the acreage surrounding 322 Salem End Road which would be managed

by the Park and Recreation Commission for recreational purposes. The Park and Recreation Commission currently occupies 322 Salem End Road, maintains the grounds, and has experience in managing and maintaining other passive recreational sites in Framingham.

- Any response from the Town of Framingham to a State RFR relative to this proposed program should include, at a minimum, the following terms and conditions:
  - The Town has no additional maintenance capabilities or significant management resources that can provide regular and ongoing maintenance to the areas.
  - Said maintenance must be provided by DCR. There can be no expectations by DCR that the Town can or will provide any substantial resources, financial or otherwise, to manage the property.
  
- The Town looks forward to being a willing and active partner with the state and federal agencies involved in developing the management plan. The following preliminary issues have been identified and should be considered in the development of the management plan:
  - For the general common good of our residents, it is important that these natural resources are preserved and are properly managed, consistent with the following fundamental conditions:
    - The privacy rights of local residents and property owners should be protected and maintained close to the levels that currently exist.
    - Additional public access points should be explored at strategic, yet limited locations for appropriate and Town-approved passive recreational use. It is not our vision or expectation that these properties will incur any significant change in current use.
    - The environment should be preserved for natural habitat.
    - A comprehensive public involvement process should be included in the development of the management plan.

The Town of Framingham looks forward to working with the NDR Trust and the various state and federal agencies involved in creation of this new project.

Thank you for the opportunity to provide preliminary comments.

Sincerely,

  
Jason Smith, Chairman  
Framingham Board of Selectmen

## ATTACHMENT A

Excerpts from the Town of Framingham *2008 Open Space and Recreation Plan* (page 9-85).

**Goal 3.** Conservation of natural resources and open space to protect water resources, wildlife habitat, and horticultural, agricultural and silvicultural opportunities, and passive recreational opportunities

**Objective A.** Identify priority parcels for acquisition/protection for ecological value, agricultural value, and recreational value

**Objective B.** Coordinate with regional land protection efforts

**Objective D.** Aggressively pursue purchase or protection of priority open space parcels as they become available

**Objective E.** Provide more education and outreach addressing the preservation of natural resources (e.g., stormwater management, invasive species, illicit discharge, nutrient loading)

**Goal 4.** Creation of new recreational facilities and programs to meet unmet needs

**Objective A.** Create and complete corridors for non-motorized passage that serve as greenways and transit corridors, and provide access to passive and active recreation facilities, places of work, school, public transportation connections, or other points of interest in town

**Goal 5.** Undertake other town-wide efforts that will support open space and recreation

**Objective H.** Preserve scenic, historic, archeological, ecological, cultural, and geologic features, and the open space surrounding significant historic and landscape features.

**ATTACHMENT B**

SOUTH MIDDLESEX REGIONAL VOCATIONAL TECHNICAL SCHOOL DISTRICT

750 Winter Street • Framingham, MA 01702 • 508-416-2100 • Fax 508-416-2342

JAMES M. LYNCH  
*Superintendent/Director*  
*jlynch@jpkeefehs.org*

---

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December 14, 2010

Mr. Robert L. Merusi  
Director of Parks and  
Recreation Bowditch  
Field  
475 Union Avenue  
Framingham, MA 01702

Dear Bob,

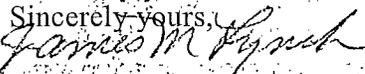
I am writing to thank you for taking me on a tour and making me aware of the property and buildings that you currently manage at 233 Salem End Road. I immediately realized that this parcel and its structural components have great potential as a satellite learning site for several of our career and technical programs at Keefe Technical School.

Our construction cluster of shops includes mill and house carpentry (including a remodeling component), residential and commercial electrical wiring, residential and commercial 'Plumbing (with a heating component), metal fabrication and welding and horticulture and landscape construction. All of these career and technical programs travel off of our campus to build, remodel, wire, plumb, fabricate and enhance landscapes. The potential opportunity to improve and maintain this property, including existing buildings, and to treat this activity as a "live-learning component" is exciting and worth pursuing.

A new area for curriculum growth for several of the mentioned shops is developing green technology training. Energy efficient buildings powered by photo voltaic panels and heated by solar panels is the technology of the future in the construction field and this property affords us a location to facilitate this expansion of curriculum. I could identify many specifics in a separate document ,if necessary, but suffice it to say that this satellite location would be a tremendous extension of our campus for our students and our required curriculum components.

Keefe Technical School and the Framingham Parks and Recreation, have a history of collaborating on construction and landscaping as well as supporting each other with the shared utilization of our facilities. The Salem End Road property would expand our strong relationship and the students of our regional district would again be the beneficiaries.

It is my sincere hope that you continue to manage the Salem End Road property and you consider allowing the Keefe Technical School to access the property for utilization as an extension of our career and technical classrooms.

Sincerely yours,  
~~Sincerely yours,~~  
  
James M. Lynch  
~~Superintendent~~-Director  
SuPerintendent-Director





# Town of Wayland Massachusetts

January 23, 2012

To: Nyanza Trustees Council

Attn: Karen Pelto

The Wayland Surface Water Quality Committee (WSWQC) is pleased that the Nyanza Trustees have included the "Heard Pond Water Chestnut Project" in the Tier 1 funding for "Control of Aquatic Weeds in the Sudbury River Watershed. Wayland's Heard Pond water chestnut project has been ongoing for nine harvesting seasons. Despite our feelings in the early years of the project that a few years of mechanical harvesting would end the water chestnut infestation, given that the literature at the time suggested a seven year seed viability period for the plant, annual harvesting is still required. As the Nyanza Trustees accept public comment on their plans, the WSWQC thought it might be appropriate to share with the trustees our experiences with this very difficult to control invasive plant, and also to make some general recommendations.

Heard Pond in Wayland is a shallow 90 acre water body that is connected to the Sudbury River, especially during high water periods, and it is largely surrounded by USF&W land. It is the uppermost water chestnut infested area in the main stem of the Sudbury River (the ponded area that starts in Wayland). It is not know exactly when water chestnuts came into the pond, but by the mid-to-late 1990s the plant formed a 100% monoculture across much of the pond.

Wayland's Heard Pond project started in 2003, using 3 mechanical harvesters simultaneously, and many 40 yard containers of the harvested water chestnuts were taken up to several times a day to the Wayland Transfer Station composting area. The below chart shows the harvesting progress:

2003	1,200,000 lbs. (Up to three Mechanical Harvesters/Hydro-Rake on Pond)
2004	500,000 lbs.
2005	192,000 lbs.
2006	26,000 lbs.
2007	34,800 lbs. (later harvest more biomass, first thorough shoreline hand-pulling effort done by volunteers)
2008	16,000 lbs. (Start of Whole Pond Management - 100% removal goal, Mechanical Harvesting & contracted hand-pulling)
2009	6,650 lbs. (54,750 plants, 1.5 days Mechanical Harvesting & contracted hand-pulling)
2010	427 lbs. (3662 plants, contracted hand-pulling)
2011	548 lbs. (5483) plants, contracted & volunteer hand-pulling)

*The year-to-year totals are not exact comparisons since harvesting periods resulted in lower or higher biomass according to the degree of maturity of the plants and also because the biomass tended to be drier and lighter in the later years when the containers were not picked up on a daily basis.*

These figures show excellent progress, however about 1900 more plants were removed in 2011 than in 2010. Also, during the early years of the project the pond perimeter was not harvested on a consistent basis. In 2007 WSWQC volunteers harvested the parts of the pond shoreline that could be easily waded and discovered many water chestnut plants (possibly thousands) hidden among the lily pads and pickerel weed. We noted that a thorough harvest in an area didn't look so thorough a couple of weeks later, when many more plants were discovered that hadn't been found in the first sweep, coming up through the lily pads or wherever they were hidden. Many floating cut-off water chestnut rosettes containing almost mature seeds were found near the shoreline of the pond, wind-blown residue from the open water area mechanical harvesting. Experts have told us that those severed plants can continue to develop and drop viable seeds.

Heard Pond is connected directly to the Sudbury River and experiences the same extreme water level fluctuations as the Sudbury. There is a significant variation in which areas can easily be reached for harvesting, depending on the water levels. Heard Pond, like many parts of the Sudbury River, has some shorelines that are extremely difficult to harvest because of vegetation such as button-bush, and assorted sunken debris. *(One WSWQC member was brought out by boat to one of those shorelines and tried wading along the edge. It was too treacherous and he was back in the boat in minutes.)*

In 2008 WSWQC contracted for a "Whole Pond Management" program on Heard Pond, combining mechanical harvesting with multiple hand-pulling sweeps of the pond in both the shoreline and open water areas. Pond inspections at the end of the growing seasons show almost 100% of water chestnut plant removal from 2008 to the present.

In looking back at these harvesting seasons some conclusions can be made.

- It's likely that incomplete water chestnut plant removal in the early years resulted in the clock for seed viability being reset several times because of continued seed drop from an unknown but large number of unharvested plants.
- Because more plants came up in 2011 than in 2010 this indicates that there may be some year-to-year variability in seed germination rates. This variability may depend on water levels or seasonal temperatures, although both 2010 and 2011 were notable for high water levels in the Spring.
- We don't know how many viable seeds remain on the bottom of the pond.

The Wayland Heard Pond project must continue until the seed stock of water chestnuts is completely exhausted and the pond is eliminated as a source of infestation for downstream areas. We don't know how many years this will take, and there will always be a need for a complete annual inspection of the pond, especially given the constant threat of re-introduction of the plants. .

Based on our experience the WSWQC recommends that the Nyanza Trustees create plans that result in thorough eradication efforts of sufficient duration to really make a difference in controlling the water chestnut infestation in the Sudbury River system.

The WSWQC has joined the SuAsCo Cooperative Species Management Area (CISMA) and welcomes that organization's assistance with and coordination of the Nyanza plan. Besides the Heard Pond water chestnut project, the WSWQC has considerable and successful projects involving invasives and water conditions in Dudley Pond and North Pond (Lake Cochituate), both in the Sudbury River Drainage, and would be pleased to share our experience with the other partners in the SuAsCo CISMA.

Wayland's Heard Pond project insures Heard Pond's usefulness and value as a place for recreation and a haven for wildlife.

Tom Largy  
WSWQC Heard Pond Project Manager

Nyanza Draft RP/EA comments received via email

Deboarh Dineen, Town of Sudbury Conservation Commission

**From:** Dineen, Deborah [<mailto:DeborahD@sudbury.ma.us>]  
**Sent:** Wednesday, February 08, 2012 2:42 PM  
**To:** Pelto, Karen (DEP)  
**Subject:** RE: Nyanza RP/EA question

Hi Karen,

Yes, may comments below were intended to be a comment for consideration in the draft RP/EA. More specifically, projects already submitted within the earlier deadline, where appraisals have been conducted, site visits made, and justification presented, should not be required to reapply, but should automatically be considered for funding.

Thanks.

Debbie

**From:** Pelto, Karen (DEP) [<mailto:karen.pelto@state.ma.us>]  
**Sent:** Wednesday, February 08, 2012 1:52 PM  
**To:** Dineen, Deborah  
**Subject:** Nyanza RP/EA question

Hello Debbie – As we did not receive a comment letter, the Nyanza Trustee Council wanted me to ask if you wanted the question you raised in your January 6<sup>th</sup> email – see below – to be considered a formal comment to be addressed by them in the Final Restoration Plan/Environmental Assessment. Thanks,  
Karen

**From:** Dineen, Deborah [DeborahD@sudbury.ma.us]  
**Sent:** Friday, January 06, 2012 3:43 PM  
**To:** Pelto, Karen (DEP)  
**Subject:** RE: Nyanza Restroation Funds

Thanks Karen. I'll be sending in comments.

**From:** Pelto, Karen (DEP) [<mailto:karen.pelto@state.ma.us>]  
**Sent:** Friday, January 06, 2012 3:32 PM  
**To:** Dineen, Deborah  
**Subject:** RE: Nyanza Restroation Funds

Hi Debbie – The Trustee Council decided that the best approach for land acquisitions would be to devote a category of funding for that purpose – in the Draft RP/EA, that is Restoration Project # 4.4.3 with a total allocation of \$720,000. In the Draft RP/EA, the process and criteria by which the Trustees would evaluate parcels is outlined – essentially we would, once the Final RP/EA is issued, issue an RFR soliciting specific parcels. You could submit the parcel in response to the RFR.

However, you may also submit comments relative to the inclusion of the specific parcel based on the criteria outlined in the Draft RP/EA. I expect that we may receive similar comments from others. In the Final RP/EA, the Trustees do have the discretion to identify additional specific parcels. However, the Trustees are interested in evaluating a wide range of potential acquisitions – and that is what led to the approach outlined in the Draft RP/EA.

Please let me know if you have any follow-up questions.

Take care, Karen

**From:** Dineen, Deborah [<mailto:DeborahD@sudbury.ma.us>]  
**Sent:** Friday, January 06, 2012 3:19 PM  
**To:** Pelto, Karen (DEP)  
**Subject:** Nyanza Restroation Funds

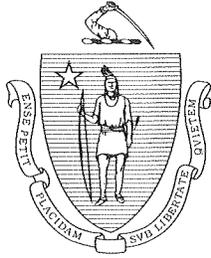
Hi Karen & Happy New Year!

I just read the draft Nyanza Natural Resources Restoration Plan and I'm a bit confused. The project submitted by Sudbury to purchase permitted, developable, land below its market value which is located directly on the River and directly adjacent to GMNWR was not on the list. The only land acquisition which made the list appears to be the Raytheon parcel in Wayland. This parcel was not one of the parcels in the first round of project submissions.

What does this mean for our project for the Lincoln Lane land purchase? I believe it meets the same criteria as the Wayland parcel. Will I need to reapply through the RFP?

Thanks for any assistance you can provide.

Debbie



**CHRIS WALSH, AIA**  
REPRESENTATIVE  
6<sup>TH</sup> MIDDLESEX DISTRICT

*The Commonwealth of Massachusetts*

HOUSE OF REPRESENTATIVES  
STATE HOUSE, BOSTON 02133

Committees:  
Transportation  
Travel & Tourism  
Children and Families

ROOM 39, STATE HOUSE  
TEL. (617) 722-2014

Ms. Karen Pelto  
Massachusetts Department of Environmental Protection  
Bureau of Waste Site Cleanup  
One Winter Street, 6<sup>th</sup> Fl  
Boston, Ma 02108

January 19, 2012

Comments on usage proposals for Nyanza superfund mitigation

Dear Ms. Pelto,

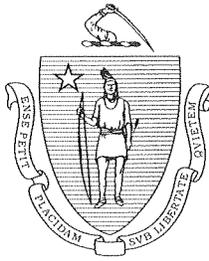
Thank you for the very comprehensive work on possible usage of the Nyanza Superfund Mitigation. In general while I was impressed by the proposals which were both far reaching in scope and imaginative, I feel that not enough attention has been paid to the actual contamination and its lasting effect on our community and the localized wildlife and habitat.

Framingham, as the first off site water resource for Boston, has a long but some times uneasy history that continues today of local resources being used for the greater good of the Commonwealth.

As a community that is now highly developed, there are few remaining possibilities to develop wildlife habitat reclamation and recreation projects; and certainly as such the proposed Stern/Bracket Reservoir wildlife preserve has the potential to be an incredible resource not only to Framingham but to the whole MetroWest area.

The projects, as outlined in the 2011 "Draft Restoration Plan and Environmental Assessment for the Nyanza Chemical Waste Dump Superfund Site" by Stratus Consulting however, seem to sidestep the issue of actual contamination; a serious and ongoing problem to wildlife and recreation users alike. Further, other than the proposed preserve, the projects outlined do not really appropriately address the concept of mitigation- that is that act of offsetting or making less severe the impacts of some deleterious fact. Projects on the Assabet River, in the Great Meadows Preserve or in Central America have no tangible connection to the contaminated site or the communities which bear the continual brunt of this ecological tragedy.

Unless the contamination is physically removed it is unlikely that that the very real impacts to birds, mammals (including humans) and fish will ever diminish given the nature of the methyl mercury contamination. Though many of the effects and processes of mercury contamination are still not fully understood, there is sufficient credible information to know that the effect on embryonic and juvenile development is dramatic. I cannot imagine that any responsible parent or any aware adult would feel comfortable swimming, wading, fishing, canoeing or kayaking in a waterway where the possibility of stirring up such contamination is a real possibility. I further think we have a responsibility to advocate for those creatures who are part of our whole singular ecosystem yet cannot advocate for themselves.



The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES
STATE HOUSE, BOSTON 02133

CHRIS WALSH, AIA
REPRESENTATIVE
6TH MIDDLESEX DISTRICT

Committees:
Transportation
Travel & Tourism
Children and Families

So if I were to sum up my basic reaction to the proposals I would list them as such:

ROOM 39, STATE HOUSE

- A) Development of a Sterns/Bracket Preserve is a wonderful project that could have wide ranging and beneficial impact on the community and the local ecosystem.
B) Many of the projects in the proposal, while most assuredly valuable in themselves, have only a tenuous and tangential connection to the actual contamination or the contaminated communities and I don't see how they can be construed as mitigation for the Nyanza Contamination.
C) Without addressing real mitigation in the cleanup of the contamination a preserve such as proposed seems to me to be little more than stage scenery with limited practical local impact and certainly is not a substitute for a healthy, usable and sustainable ecosystem.

If asked, I would have strongly advocated that this process were more community centric- meetings with the Framingham and Ashland communities to ask about the impacts and possible mitigations, as it is, the process seems more geared to existing watershed groups which puts those of us in the affected communities in the difficult position of appearing to be selfish and curmudgeonly about some really wonderful sounding projects- that do great things in other communities that are not facing the real and continual impacts of this superfund site.

I suspect that the Town of Framingham will officially have different and more cogent comments and observations and am not suggesting that my comments are reflective of any other source than constituents that I have spoken with on the matter and my own reaction to the proposals.

If I can be of assistance please don't hesitate to contact me at my State House office or by email at : Chris.Walsh@mahouse.com

Sincerely

Handwritten signature of Chris Walsh

Representative Chris Walsh
6th Middlesex District

Cc: Selectmen Town of Framingham

Commonwealth of Massachusetts  
Department of Fish & Game



Office of  
**Fishing & Boating Access**

1440 Soldiers Field Road • Brighton, Massachusetts 02135  
(617) 727-1843 FAX (617) 727-7214

John P. Sheppard, *Director*

January 10, 2011

Nyanza Trustee Council  
c/o Mass DEP  
Bureau of Waste Site Cleanup  
One Winter Street  
6<sup>th</sup> Floor  
Boston, MA 02108

Attention: Karen Pelto

Dear Ms. Pelto:

I am writing in support of the Trustee's proposal for the Creation of Stearns and Brackett Reservoirs Wildlife Preserve. In particular, the MA Department of Fish and Game's Office of Fishing and Boating Access (FBA) offers to be a partner in achieving the third element of this proposal: "Developing boat access to the reservoirs."

The FBA is charged with providing access to the state's waterways. The FBA manages the construction, repair and operation of state boat ramps, canoe and car-top launch sites, parking areas, and approach roads. The FBA is working to ultimately locate boat launch facilities at close enough intervals throughout the state so that none of them will be overused.

The FBA long ago identified the Stearns and Brackett Reservoirs as places where there is an unmet need for car-top boat access. The creation of the Wildlife Preserve will help the reservoirs meet the FBA's minimum criteria for a proposed facility:

- The project must be on a publicly owned water body.
- There must be a demonstrated recreational need for the project.
- The project must be consistent with the mission of the Department of Fish and Game.
- Personnel must be available to assist with general upkeep of the facility.
- The topography must be appropriate for development of a boat or canoe launching facility. If no development is contemplated, the land must be suitable for foot passage to the shoreline.

The FBA is excited about this opportunity to provide boating opportunities on reservoirs that are currently off-limits to the public. While the management team is yet to be determined, the FBA is confident that it can work successfully with any non-profit and/or municipal partners selected through this proposal. The FBA, therefore, pledges, in compliance with Chapter 21A Section 11B, to provide design and permitting services, assist with construction funding, if needed, and construction inspection to place at least one appropriately sited boating access facility on both the Stearns and Brackett Reservoirs if the "Creation of Stearns and Brackett Reservoirs Wildlife Preserve" proposal is included in the Trustee's final plan.

Please contact me if you have any questions regarding the FBA and our support of this proposal.

Sincerely,

Jack Sheppard  
Director  
MA Office of Fishing and Boating Access  
Chief Engineer  
MA Department of Fish and Game

JPS/vas



January 23, 2012

Nyanza Trustee Council  
c/o MassDEP  
Bureau of Waste Site Cleanup  
One Winter Street  
6th Floor  
Boston, MA 02108

Attn: Karen Pelto

Dear Ms. Pelto,

DCR would like to thank the Nyanza Trustee Council for their inclusion of the proposal for the "Creation of Stearns and Brackett Reservoirs Wildlife Preserve" in the draft Restoration Plan and Environmental Assessment for the Nyanza Chemical Waste Dump Superfund Site. The Division of Water Supply Protection, as the current manager of the surface water most directly impacted by Nyanza, appreciates this opportunity to facilitate a transformation of these two reservoirs and associated lands. Both the natural environment and the public will benefit from the Trustee's proposal. The Division of Water Supply Protection will work diligently to help make this proposal come to fruition.

Sincerely,

Jonathan L. Yeo  
Director  
Division of Water Supply Protection





# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

Eastern Massachusetts National Wildlife Refuge Complex  
73 Weir Hill Road  
Sudbury, MA 01776



January 18, 2012

Nyanza Trustee Council  
c/o MassDEP  
Bureau of Waste Site Cleanup  
One Winter Street, 6<sup>th</sup> Floor  
Boston, MA 02108  
Attn: Karen Pelto

Dear Ms. Pelto:

Thank you for the opportunity to provide comments on the Draft Restoration Plan and Environmental Assessment for the Nyanza Chemical Waste Dump Superfund Site. The primary area impacted by the Nyanza site is the Sudbury River and its associated wetland and floodplain habitats. The Sudbury River flows through the Great Meadows National Wildlife Refuge (NWR, Refuge), and many of the ecological impacts from the site still affect Refuge wildlife and habitats. We are pleased to see that the Great Meadows NWR and one of our primary conservation partnerships, the SuAsCo Cooperative Invasive Species Management Area (CISMA), have been identified as the primary focus of several projects which will help restore the aquatic health of the Sudbury River and its associated wetlands, and to provide educational and recreational opportunities to Refuge visitors so they may enjoy and learn about the Sudbury River and its habitats and wildlife.

We commend you, your consultants, and the Federal and State trustees for the well written draft restoration plan. The plan clearly presents projects that, when implemented, will address the damage that was done to the aquatic resources of the Sudbury River and its associated wetlands, the wildlife that depends on these resources for survival, and the people who enjoy these resources for recreation. The mix of ecological, land protection, recreational and educational projects is appropriate and highly supportable. The trustees have done an excellent job both in finding the common threads amongst the proposals that were submitted and then in developing projects from these that best restore the damage done to natural resources and to the public's enjoyment of the river and its wildlife resources. In addition, the draft plan clearly explains the eligibility and evaluation criteria for the restoration projects. The logic models are also helpful in understanding how the projects address the injuries caused by the Nyanza site.

We have a few comments on the draft plan, as follows:

- There are a few instances in which the Assabet River NWR is mentioned by name. Please check to ensure that the full name of the refuge – the Assabet *River* (emphasis added) NWR is always used in the plan.
- Timelines in the description of the Sudbury River aquatic weed project need to be updated from 2010.
- We request flexibility in how funds are allocated within the Sudbury River aquatic weed project. We are not asking for more funding, but recognize that the cost of the aquatic weed harvester and its components is likely to be higher than originally identified. As the chair of the SuAsCo Cisma, the Great Meadows NWR staff will work with our Cisma partners and the Trustees to maximize productivity and efficiencies amongst the various water chestnut and purple loosestrife mapping and control efforts. We feel this is particularly important as we know that our control efforts will be more successful if they can be continued beyond the first three years identified in the Tier 1 project.
- Please identify in the plan the process by which cold water streams other than Jackstraw Brook could become candidates for restoration in the Habitat Restoration to Benefit Coldwater Fish project, as it appears that the amount of funding identified for this project equals the amount needed specifically for Jackstraw Brook.
- We strongly support the Sudbury River Schools Program, the Greenways North Field Restoration, the Neotropical Connections, and the Sudbury River Corridor Land Acquisitions. We request that expedited consideration be given for the U.S. Fish and Wildlife Service to acquire any land within the boundaries of the Great Meadows NWR, especially in the segments of the Refuge that were most impacted by the Nyanza site. We have some projects underway that are time sensitive and will not be available for protection if the availability of funds to acquire the land or pay for associated acquisition costs is a year or more.
- We are greatly appreciative of the inclusion of the Sudbury River Access Improvements at Great Meadows NWR and the Red Maple Trail projects in the draft plan. For the Red Maple Trail project, we now realize we will likely need to construct the boardwalk using an alternative construction method that we have used elsewhere. The floods that we have had in the past few years, which occurred after we wrote our initial proposal, indicate that the boardwalk needs to be raised off the ground higher than the existing boardwalk. We do not anticipate needing to place fill in any wetlands, and permitting issues should be minor for this project, as the U.S. Army Corps of Engineers has determined that the method of construction we are most likely to use does not need a section 404 permit. When a Federal permit is not required, we are not required to obtain State and/or

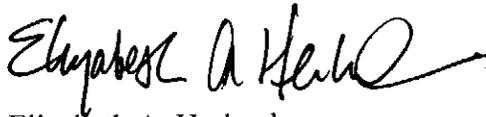
local permits. We will of course coordinate with State and local conservation agencies to ensure that any concerns are identified and addressed.

- We also support the Concord River Diadromous Fish Restoration Project which has the potential to benefit American eel and river herring. Any project which will help restore endemic fish populations in the Sudbury River is appreciated.

In conclusion, we are very pleased that the significant milestone of preparing and releasing the draft restoration plan has been achieved. As the Trustees consider the public comments submitted on the draft plan, we request that a timeline be developed and made public on your website that identifies when the final plan is likely to be released, when funds are likely to be available, and when the Trustees expect project implementation to begin.

Thank you for considering these comments. Do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Elizabeth A. Herland". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Elizabeth A. Herland  
Project Leader



# United States Department of the Interior



## FISH AND WILDLIFE SERVICE

Central New England Fishery Resources Office  
151 Broad Street  
Nashua New Hampshire 03063

January 3, 2012

Nyanza Natural Resource Damage Trustee Council  
C/O Massachusetts Department of Environment Protection  
Bureau of Waste Site Cleanup  
One Winter Street, 6<sup>th</sup> Floor  
Boston, Massachusetts 02108

Dear Nyanza Trustees Council Members:

After reading the Draft Restoration Plan/Environment Assessment (RP/EA) and attending the public information meeting on December 14, 2011 in Framingham, MA, there is information and considerations that our office (Central New England Fishery Resources Office, CNEFRO) would like to share with you. As noted at the public meeting, in the past year both American eel and river herring were petitioned for listing under the Endangered Species Act. The petitions were found to be substantial in the 90-day finding and are currently in the twelve month status review phase of the listing process (50 CFR Parts 223-224 and 50 CFR Part 17). We would like you to consider updating section 5.1.4 Special Status Species and Section 6.1 Laws to reflect these recent developments.

The Sudbury, Assabet and Concord (SuAsCo) rivers could potentially play an important role for these species. The American eel is prevalent in the Concord River mainstem, both of its major tributaries (the Sudbury and Assabet) and many water bodies that contribute to the SuAsCo watershed. River herring have an important historic presence in the SuAsCo watershed and the CNEFRO is supporting efforts to reestablish a self-sustaining run of river herring to this watershed.

We have been engaged in assessment, management and restoration activities for these species within the Merrimack River and the SuAsCo watersheds and would like to share with the Council some of our experiences and thoughts. Below are outlined, in three sections, specific considerations for: (1) American eel, (2) river herring and (3) diadromous fish passage.

**American eel:** Changes are occurring that could greatly increase the number of American eel in the SuAsCo watershed. Two years ago a modification was performed at the Essex Dam in Lawrence, MA that improved eel passage at this facility. Due to these improvements, a large increase in the number of juvenile eels (elvers) were counted passing through the fish lift at the Essex Dam than were observed prior to this modification. In addition, installation of a



permanent eel ladder at the Essex Dam is planned for the near future. The Essex Dam is the only dam below the confluence of the Concord River and it is likely that the SuAsCo watershed will be a primary beneficiary of these improvements to eel passage at this facility.

**River Herring:** It is not likely that there will be a river herring population established in the SuAsCo (SuCo) without a sustained stocking effort. The same modification at the Essex Dam that improved eel passage in the last two years is expected to improve river herring passage at this facility. Fishery resource agencies have reinitiated intensive stocking efforts for river herring in the Merrimack River watershed in the past several years. In 2011, donor stocks of river herring were obtained from rivers within the Gulf of Maine including New Hampshire coastal rivers and the Kennebec River, Maine.

Prior stocking efforts to restore river herring in the Sudbury and Concord Rivers were of questionable success. Only a minor level of juvenile production could be documented and sea run returning adults were never observed. This previous restoration effort used an early running donor stock from the Long Island Sound ecosystem (Nemasket River) and the release location available were in areas of the Sudbury and Concord Rivers where the stocked fish could not be retained until spawning. These donor stocks and release locations were not ideal.

Two conditions have changed since this earlier stocking effort. This past summer two donor stock sources from Gulf of Maine rivers became available. These Gulf of Maine rivers have run profiles more comparable to the Merrimack River than the Nemasket River donor stocking source used previously. Additionally, the Commonwealth of Massachusetts appears more amenable to allowing the use of the Lake Cochituate as a release location. This lake, in the Sudbury River watershed, is dam controlled and under most flow condition provides for the retention of stocked herring until after spawning. This stocking site could also provide a location where juvenile production could be more thoroughly assessed. We have used similar sites in other river systems with considerable success in producing juveniles.

#### **Diadromous Fish Passage:**

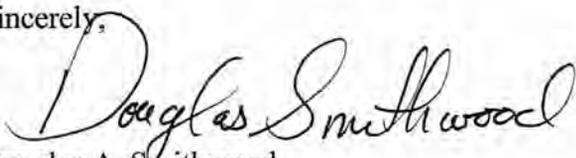
**Middlesex Dam:** The evaluation of passage at the remains of the Middlesex Dam evolved as more information became available. Following the preliminary site survey by our engineering staff, the Natural Resources Conservation Service performed an extensive survey during very low flows (we can provide survey results to interested parties). Results suggest that during most flows this site did not present a severe impediment to passage. Funds obtained for passage improvement at this site were subsequently used for other activities.

**Centennial Island Dam-** Upstream fish passage, in particular for river herring, is questionable at this site. We have not visited this site in a number of years but during previous visits there were several conditions that would appear to hinder fish passage. For example: (1) there was considerable competitive attraction flow at the base of the dam, (2) the entrance to the fishway is not at the base of the dam and the guidance weir and no flow section were not maintained to guide the fish into the entrance and (3) the baffles in the fishway were not maintained.

**Billerica Dam (aka Talbot Mill/ Faulkner Mill)-** There has been no study, to our knowledge, of eel passage at this facility although it must occur since eels are present upstream of this dam. Two possible avenues of upstream eel migration around this structure were thought to be the sluiceway that goes under the Faulkner Mill and the wetted rock area on the left side (looking upstream) of the dam. This wetted rock site has been altered by the construction of a park area. It would be advantageous to determine the current mean by which eels pass this facility and to determine if there are measures that could be taken to improve passage in the near term.

We appreciate the concern for diadromous fish restoration the Council displayed in their "Draft Restoration Plan and Environmental Assessment of the Nyanza Chemical Waste Dump Superfund Site". We hope that the information contained in this letter will assist the Council in formulating the final document. We look forward to continuing our cooperative work with the Council to restore diadromous fish to the SuAsCo watershed. Please let us know of any additional assistance we can provide.

Sincerely,

A handwritten signature in cursive script that reads "Douglas A. Smithwood". The signature is written in black ink and is positioned above the typed name.

Douglas A. Smithwood  
Fish Biologist  
Central New England Fishery Resources Office  
U.S. Fish and Wildlife Service  
151 Broad Street  
Nashua, New Hampshire 03063  
Telephone: (603) 595-1371  
Cell: (603) 897-9620  
Fax: (603) 595-0957



*Southborough Open Land Foundation*  
*Post Office Box 345*  
*Southborough, Massachusetts 01772*

19 January 2012

Nyanza Trustee Council  
c/o Mass DEP  
Bureau of Waste Site Cleanup  
One Winter St. 6th Floor  
Boston, MA 02108

Dear Ms Pelto,

I am writing in support of **4.5.1 Sudbury River Public Access: Aikens Road Restoration** in the Nyanza Draft proposal. Having public access to the upper portion of the Sudbury River would be very beneficial. From the standpoint of the Southborough Open Land Foundation (SOLF), it would give us access to our River Reserve property that is virtually inaccessible from the south side of the river since it would involve the illegal and dangerous crossing of railroad tracks. Having this access to the river would enable SOLF to be better stewards of our property which needs cleaning up due to illegal dumping by an abutter. Access to the river would also provide opportunities for passive recreation such as canoeing, bird watching, photography, and nature observation among other activities. All of these are activities that SOLF supports. The proposed Sudbury River Public Access at Aikens Rd. would certainly help SOLF fulfill its mission, but of equal importance, would be beneficial for many other people.

Sincerely,

Sally B. Watters  
President. SOLF



January 26, 2012

Karen Pelto  
MA Department of Environmental Protection  
Bureau of Waste Site Clean Up  
One Winter St, 6<sup>th</sup> Floor  
Boston, MA 02108

Dear Ms. Pelto,

On behalf of Sudbury Valley Trustees, we thank you and the Nyanza Trustees for your thorough analysis of the projects submitted and the comprehensive restructuring of those projects in the Draft Restoration Plan. Many excellent projects have been identified by the Trustees for potential funding and implementation. We are writing in support, in particular, of four of the projects identified in the Draft Restoration Plan: the Greenways North Field Restoration, the Sudbury River Corridor Land Acquisitions, Control of Aquatic Weeds in the Sudbury River Watershed, and the Creation of the Stearns and Brackett Reservoirs Wildlife Preserve. These projects are currently Tier 1 priorities for Nyanza funding and the great benefits that they can provide to the natural resources in and around the Sudbury River demand that they remain so.

The Greenways North Field Restoration project can make a large difference on a small scale to wildlife in the Sudbury River Watershed. The project will restore grassland habitat by reducing the abundance and extent of invasive buckthorn in an eight acre field. This grassland vegetation will provide habitat for native birds, wildlife, and insects, many of which are declining. This field is near to other grassland habitat, thus enhances a much larger area of early successional habitat. For this project, we request that the committee consider the alternative of restoring the field to a hay field (either native cold season or traditional hay species) rather than a mix of native forbs. This may be a better long-term solution for two reasons: 1) American bobolink prefer hay fields for nesting, and 2) the cost for maintaining a hay field is lower than a mixed forb grassland because the costs of maintenance are borne by the farmer.

Control of Aquatic Weeds in the Sudbury River Watershed is important to improving the ecological functioning and quality of the aquatic habitat. The project will vastly improve habitat quality, removing invasive plant species that provide very little food and nesting habitat to our native wildlife and increasing the important native plant food sources and improving fish habitat. The project is especially noteworthy because of the multiple partners involved.

As stated in the Draft Restoration Plan, the Sudbury River Corridor Land Acquisitions project achieves benefits for the wildlife populations and water quality in the Sudbury River by expansion of protected land. In an area that is already benefitted by thousands of acres of conserved land, this will provide additional habitat for wildlife and protect water quality from the impacts of future development. As the report notes, a number of potential acquisitions have been identified through various local and regional planning documents, and we are encouraged that the Trustees will rely further on information from agencies, non-profits, and citizens for proposals. We are concerned, however, about reliance on the Route

495/MetroWest Corridor Plan for identification of priority parcels for protection, as we do not believe that plan includes a comprehensive list of properties meriting protection.

Finally, we are very enthusiastic about the possibility of public access as envisioned in the proposal for the Stearns and Brackett Reservoirs Wildlife Preserve. Because of its proximity to the Nyanza site, restoration of and public access to this area best serves the populations of humans and wildlife perhaps most affected by the contamination. SVT has been aware of the possibility of this endeavor for a number of years and has had an opportunity to visit the lands in question to see the project's potential and its challenges first hand. The challenges are myriad, of course, but we are confident that there is some type of partnership that can be developed to both address the current needs and fulfill the goals outlined in the proposal. Maintaining and enhancing the wildlife habitat around the reservoirs and allowing compatible public access are of utmost importance and should remain the main focus of the project, regardless of whether it's accomplished through a 99-year lease as proposed, or through some other arrangement.

Again, thank you for all the work that the Trustees have put in to developing this plan, and for the opportunity to provide input.

Sincerely,

Laura Mattei  
Director of Stewardship

Christa Collins  
Director of Land Protection



FOR THE ASSABET SUDBURY & CONCORD RIVERS

23 Bradford Street · Concord, MA 01742  
p 978 · 369 · 3956 f 978 · 318 · 0094  
office@oars3rivers.org

www.oars3rivers.org

January 20, 2012

BOARD OF DIRECTORS

*Dave Griffin*  
*President*  
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Karen Pelto  
Mass DEP  
Bureau of Waste Site Cleanup  
One Winter Street, 6<sup>th</sup> Floor  
Boston MA 02108

*Elizabeth Stokey*  
*Vice President*  
*Lincoln*  
Re: OARS Comments on Draft Restoration Plan and Environmental Assessment for the Nyanza Chemical Waste Dump Superfund Site

*Romaine Randall*  
*Treasurer*  
*Concord*  
Dear Ms. Pelto,  
Thank you for the opportunity to comment on the above plan. Founded in 1986, OARS is the watershed organization for the Assabet, Sudbury and Concord Rivers, and has over 1,000 members in the 400 square-mile Concord watershed. Our mission is to protect, preserve and enhance the natural and recreational features of the Assabet, Sudbury and Concord Rivers, their tributaries and watersheds. To learn more about our work please go to our website: [www.oars3rivers.org](http://www.oars3rivers.org). OARS also serves as Vice-Chair of the Sudbury, Assabet & Concord Wild and Scenic River Stewardship Council.

*Dick Lawrence*  
*Clerk*  
*Hudson*  
*Don Burn*  
*Westborough*  
*Allan Fierce*  
*Stow*  
*Paul Goldman*  
*Marlborough*  
*Maggie Kosovsky*  
*Northborough*  
OARS believes that the draft plan is a reasonable and thoughtful approach to restoring the natural resources and natural resource services damaged by the pollution released from the Nyanza chemical dump site. In particular, OARS strongly supports the plan to restore migratory fish populations to the river system by removing obstacles in Lowell and Billerica and improving the existing fish passage. We would like the project to ensure that the conditions for paddlers are improved at the Talbot Dam in Billerica, either by creating accessible put-ins and take-outs so they can portage around the dam, or by the dam’s complete removal. We believe that an effective partnership can be developed among the relevant stakeholders and the very knowledgeable and experienced state program staff, particularly those in the Department of Fish and Game. OARS looks forward to being an active participant in this process as a stakeholder.

*Martin Moran*  
*Hudson*  
*Pam Rockwell*  
*Concord*  
OARS also supports the restoration of coldwater habitat in the upper Sudbury River; Jackstraw Brook is a good candidate. We suggest that the Department of Fish and Game take a lead role planning and managing the restoration work based on their expertise in this area and thorough knowledge of the restoration needs of the watershed. The investment in controlling aquatic invasive plants proposed in the plan is also important and we look forward to that work being fully funded and coordinated through the SuAsCo CISMA.

*Laura Rome*  
*Maynard*  
*Peter Shanahan*  
*Acton*  
*David Williams*  
*Marlborough*  
We fully support the “Sudbury River Schools” river education project proposed by Mass. Audubon which was included in the draft plan. Audubon has extensive experience in offering this kind of program and does excellent work educating in the next generation about river and water resources. We also support the creation of the Stearns and Brackett Reservoirs Wildlife Preserve to improve public access to these sections of the Sudbury River and protect the riparian zone. We would hope to be a stakeholder in the process.

If you have any questions, please don’t hesitate to contact me.

Yours sincerely,

Alison Field-Juma, Executive Director



## LOWELL PARKS & CONSERVATION TRUST

January 10, 2012

Karen Pelto  
MA DEP  
Bureau of Waste Site Cleanup  
One Winter St., 6<sup>th</sup> Floor  
Boston, MA 02108

Re: Comments on Draft Restoration Plan and Environmental Assessment for the Nyanza Chemical Waste Dump Superfund Site

### Board of Directors

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Matthew C. Donahue, Esq.

Lauris Donovan

James O'Hearn

Henri B. Marchand

William Martin, Jr., Esq.

Sopheap Theam

Jane L. Calvin  
*Executive Director*

Dear Ms. Pelto,

Thank you for the opportunity to provide comments on the Nyanza Draft Restoration Plan. The Lowell Parks & Conservation Trust (LP&CT) is keenly interested in the downstream impacts from this Superfund Site. LP&CT was founded in 1990 with a mission to improve the quality of life for the people of Lowell through the creation, conservation, and preservation of parks, open spaces, and special places. Our 1,000 household membership draws from throughout the SuAsCo watershed, with 60% from Lowell, which is located at the confluence of the Concord and Merrimack Rivers.

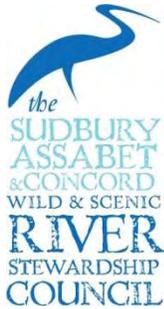
From LP&CT's perspective this draft plan brings forth a reasonable response and approach to restoring the watershed values impacted by the Nyanza Superfund site. We are pleased that the plan integrates a strong component to evaluate, monitor, and restore fish passage within the watershed. As you are aware, LP&CT has been involved with monitoring and restoring the populations of migratory fish in the SuAsCo watershed since 1999. Our work has primarily focused on alewife and we have worked in close partnership with both state and federal agencies to collect data through our network of volunteers. We are eager to re-launch this program and move ahead with effective restoration programs that enhance passage. We have a ready corps of volunteers that are anxious to start monitoring and systems in place to integrate our data collection with those of state and federal agencies.

We are also pleased that the plan includes River Classroom programs with MA Audubon. We've been partnering with MA Audubon for six years on an after-school program and know that this program's educational content produces concrete results.

Thank you for your consideration of these comments. Please let me know if you have questions.

Sincerely,

  
Jane Calvin  
Executive Director



January 18, 2012

Karen Pelto  
MA Department of Environmental Protection  
Bureau of Waste Site Clean Up  
One Winter St, 6<sup>th</sup> Floor  
Boston, MA 02108

Dear Ms. Pelto,

Thank you for the opportunity to comment on the Draft Restoration Plan and Environmental Assessment of the Nyanza Chemical Waste Dump Superfund Site prepared by Stratus Consulting. As you know, 29 miles of the Sudbury, Assabet and Concord Rivers are nationally designated as a wild and scenic river, and while the Nyanza site itself is upstream of the designated section, its impacts are observed downstream. It is for this reason that the River Stewardship Council (RSC), and the National Park Service (NPS) are interested in the Draft Plan.

In authorizing legislation, NPS is given responsibility for the long term management and protection of the 'outstandingly remarkable resource values' of the Sudbury, Assabet and Concord Wild and Scenic River. They are to work in partnership with the Sudbury, Assabet and Concord River Stewardship Council (RSC), a group comprised of representatives of the towns along the wild and scenic river (Framingham, Wayland, Sudbury, Lincoln, Concord, Carlisle, Bedford and Billerica), state and federal agencies, Sudbury Valley Trustees, OARS for the Sudbury, Assabet and Concord Rivers and the SUASCO Watershed Community Council. Together, the NPS and RSC have reviewed the Draft Restoration Plan in so far as it addresses the outstandingly remarkable resource values, including ecology, scenery, recreation, history and literature. The following comments reflect our thoughts on the proposed projects as they relate to the nationally designated wild and scenic river segment. Projects that are proposed outside the wild and scenic segment (above the Danforth Street Bridge in Framingham) are not addressed unless they have impacts downstream. Hopefully, as upstream projects are developed, they will consider impacts downstream including water quality and spread of invasive species.

The Restoration Plan is very well written, thoughtful and well organized. It embodies a logical process for making decisions and uses appropriate criteria to evaluate a lot of information in a clear way. The presentation is good. It is helpful, not only to have a full discussion of the projects that rank successfully using the criteria, but also to have a fair discussion of those proposals that did not meet the criteria. NPS and the RSC are generally supportive of the conclusions of this Restoration

Plan and feel the variety of projects proposed are very complementary to our management and protection efforts. Following are specific comments:

1. We are especially supportive of the invasive species projects to be administered by the SUASCO Cooperative Invasive Species Management Area (CISMA). These projects address a problem with major recreation, ecological and scenic impacts. The CISMA is in a good position to administer the project because of their strong partnerships throughout the watershed and their combined history and experiences working with invasives.
2. The RSC and NPS have been involved in previous efforts to address issues at the Talbot Mill Dam in order to allow fish passage. We are supportive of the efforts proposed in the Draft Restoration Plan to 'solve' this issue, as well as proposals to encourage better fish passage on the Middlesex and Centennial Island Dams. Allowing fish passage and introducing diadromous fish back into the Concord River will strengthen the ecological values for which the river was nationally designated.
3. The RSC has supported Mass Audubon to work in schools in 10 watershed communities to introduce students to the river. Support from the Natural Resource Damages funds will greatly enhance these efforts. Will Mass Audubon try to focus on communities near the waste site, along the river, or in the watershed? Will the Draft Plan or the Trustees target the 5 towns that are the focus of the Sudbury Schools Project or will it be at the discretion of Mass Audubon to pick them? Will the project build off of communities where Mass Audubon already has a presence or create relationships in new communities? While it might be difficult to make this available to all shoreline towns, or all watershed towns, it would be great if materials were developed in such a way that others could benefit. Additionally, it would be great if the professional teacher development opportunities could be offered to a wider audience than just 5 towns.
4. It would be very helpful if the Plan described the 'next steps' to be taken once this Plan is approved and include a time line for implementation.
5. It would be helpful to provide links to the reports cited in Table 12 on page 7, if the reports are available on line.
6. Some of the project descriptions are explicit about how or who will undertake the project, others are not. It would be helpful if this was included for all projects. If the project will be competed as an RFP, if an intergovernmental agreement or a cooperative agreement with a particular organization will be used this information should be available for each project. This will eliminate speculation about who received funds and will also allow organizations to begin to plan for undertaking these projects. While this issue is not core to the Restoration Plan, it will be a frequent question – so better to answer it, if possible, before it is asked.

Our comments are primarily focused on what comes next, and although this might not be the primary purpose of the Plan, acknowledging these questions and providing some information will be

helpful to the public. If exact answers are not known, perhaps outlining how those decisions will be made would be helpful.

Thank you for the opportunity to comment on this Plan. The RSC is willing to assist in the implementation of any of the projects, if appropriate. It is exciting to consider the potential positive impacts on the Sudbury River from the projects embodied in this Plan.

Please call me if you have any questions.

Sincerely,

Cindy Delpapa, Chair  
Sudbury, Assabet and Concord Wild and Scenic River Stewardship Council

Nyanza Trustee Council  
c/o MassDEP  
Bureau of Waste Site Cleanup  
One Winter Street, 6<sup>th</sup> Floor  
Boston, MA 02108



Attn: Karen Pelto

Dear Ms. Pelto,

On the behalf of the SuAsCo Cooperative Invasive Species Management Area (CISMA), I would like to express support for the proposed Nyanza Superfund site draft natural resources restoration plan. In particular, the SuAsCo CISMA supports the focus on aquatic weed control in the Sudbury River watershed, and appreciates being identified as the entity to coordinate invasive species mapping, management and control. Invasive species pose one of the greatest threats to the ecological integrity of the SuAsCo watershed. Our organization is committed to working collaboratively to combat invasive species across jurisdictional boundaries. Having the SuAsCo CISMA lead the coordination of the proposed projects is a sound strategy to effectively remediate the project areas. The proposed projects fall within our mission for the organization and will allow us to build upon our existing partnerships and create new ones. We have successfully implemented projects similar to those being proposed in the Nyanza plan. We have the expertise within our membership and the required structure to successfully execute and complete the proposed projects for mapping and control of *Trapa natans* (water chestnut) and *Lythrum salicaria* (purple loosestrife) and to partner with MassWildlife to restore *Zizania aquatica* (wild rice) populations.

Since the formal adoption of our founding Memorandum of Understanding by the 23 original members in 2009, the SuAsCo CISMA has grown and currently is made up of 37 members which include federal, state, nonprofit, and municipal organizations. The group has secured over \$150,000 in grant support, and has tracked and distributed those funds to the appropriate partners through our fiscal agent, Mass Audubon.

Our partners have expertise in the types of projects proposed in the restoration. CISMA members, including Mass Audubon, U. S. Fish and Wildlife Service, Sudbury Valley Trustees, New England Wild Flower Society, Organization for the Assabet, Sudbury and Concord Rivers, and The Trustees of Reservations have extensive experience mapping invasives in wetland systems and on large conservation properties. In 2010, CISMA members, led by Sudbury Valley Trustees, successfully reared 36,500 *Galerucella spp.* beetles and released them at 5 different sites within the watershed to control purple loosestrife.

Our CISMA coordinator successfully coordinates invasive control projects for the U. S. Fish and Wildlife Service which includes manual harvesting of water chestnut along the Sudbury and Concord Impoundments and coordinating a multi-partner effort with the Towns of Sudbury, Lincoln and Concord, the Hop Brook Association and the Concord Land Conservation Trust to use an aquatic harvester to mechanically remove water chestnut. These organizations are all CISMA members. We also work with the Wayland Surface Water Quality Committee, and can easily coordinate the continued treatment of water chestnuts in Heard Pond with that committee.

In the plan itself, please update the number of CISMA project partners - it is now 37, not 20. Also, please clarify the year in which you would expect the assessment of water chestnut infestation to be completed. It is listed at 2010 in the plan. We assume that this would be changed to 2013 or 2014, as we believe it will be impossible to complete this in 2012 since the specific details of how this effort will be funded and accomplished have yet to be worked out. Additionally, due to rises in costs to the proposed equipment for purchase, we believe that the amounts submitted with our proposals in 2008 are now low. We request flexibility in working with the Trustees to slightly re-allocate funds from within the aquatic weeds project if necessary to purchase the required equipment.

Thank you for providing the opportunity to provide comments on this draft restoration plan. We look forward to working closely with the restoration project representatives and improving the aquatic resources of the Sudbury River.

Sincerely,

A handwritten signature in black ink, appearing to read "Amber Carr", written over a horizontal line.

Amber Carr  
SuAsCo CISMA Coordinator

Nyanza Draft RP/EA comments received via email

Cochituate State Park Advisory Committee

**From:** Dick and Jill Miller [TheMillers@millermicro.com]  
**Sent:** Monday, January 23, 2012 4:51 PM  
**To:** Pelto, Karen (DEP)  
**Subject:** Comment on Nyanza Draft Restoration

Thank you, Karen and all, for your years of search for best compensations for the pollution damage done by decades of Nyanza Chemical discharges. I tried hard to help. Now I add this personal message for closure.

Since the start of that process, I and the Cochituate State Park Advisory Committee have pointed out the whistle-blower role of Michael Brown (a high-school student volunteer under me as Executive Director of its predecessor group, the Lake Cochituate Watershed Association) that precipitated the Nyanza clean-up. I and the CSPAC pointed out the need for an Environmental Education and Visitor Center at Cochituate State Park, which sits between the major towns in Nyanza's half of the watershed and is served by public transportation, in order to increase public responsiveness on similar issues. The CSPAC and Mass. DCR have retained over a million dollars in matching funds for a cooperative realization of that goal, and the current DCR Commissioner and the prior one - now Secretary of Energy and Environmental Affairs - are both familiar with that popular park's lack of any suitable headquarters, let alone a good visitor center, and how this solution could provide both.

Instead, as became clear at your public informational meeting on December 14th, 2011 in Framingham, the draft proposal effectively split our plan between many recipient groups and communities: a year or two of class activity in a few of the many schools; a new wildlife reservation on mercury-impacted reservoirs which Framingham refused to accept at zero cost years before, and where it still opposes public access; a visitor center on one of those reservoirs, far from the population center or public transportation routes of this region; and no way to use the momentum at Cochituate State Park and its monetary match.

I predict that most of the proposed plans will have little impact, splintered too thin to last. Cochituate State Park will continue to wait, and wait, and wait to realize the potential of its immense use but little outreach (and that little, mostly when schools are in summer recess).

You were polite, and encouraging where you could be. The bar to using grant money for a structure seems very wrong, forcing a worse choice, but regulations are regulations. I requested a meeting of all concerned, but that only resulted in a few isolated conversations hardly productive of a broader view. We did work hard, but our first meeting was weeks late into a brief response

period because of long, year-end State staff vacations. (They earned their compensatory time off; but what poor timing for a difficult rethinking!) We've tried, and come up short.

My recommendations for future efforts: Change the rules, to consider a change that can better serve the community. Be supportive of a group meeting, when that may help. And don't schedule response periods during known vacation periods.

I would like the projects to succeed. I particularly applaud the concept of modification or removal of dams to reestablish upstream fish migration, and the proposal for a school partnership with students in Belize to jointly study both ends of a shrinking bird migration route. But I do not expect most of the short-term projects to make significant changes in our damages to Mother Nature, where ours could. Look again, ten years from now; I hope you will be able to prove me wrong!

Sincerely,

--A. Richard Miller <[TheMillers@millermicro.com](mailto:TheMillers@millermicro.com)>

Vice Chair, Cochituate State Park Advisory Committee

--

A. Richard & Jill A. Miller	MILLER MICROCOMPUTER SERVICES
<a href="mailto:TheMillers@millermicro.com">Mailto:TheMillers@millermicro.com</a>	61 Lake Shore Road
Web: <a href="http://www.millermicro.com/">http://www.millermicro.com/</a>	Natick, MA 01760-2099, USA
Voice: 508/653-6136, 9AM-9PM -0500(EST)	NMEA N 42.29993°, W 71.36558°



Logy  
**Cedar Swamp Conservation Trust (CSCT)**  
**PO Box 996**  
**Westborough, MA 01581**

January 22, 2012

Karen Pelto, Nyanza NRD Restoration Coordinator  
MA Executive Office of Energy and Environmental Affairs  
100 Cambridge Street, Suite 900  
Boston, MA 02114

Via email to [Karen.Pelto@state.ma.us](mailto:Karen.Pelto@state.ma.us)

Re: Nyanza Draft Restoration Plan and Environmental Assessment (November 2011)

Karen,

CSCT is submitting our comments in support of implementing the November 2011 Draft Restoration Plan and Environmental Assessment for the Nyanza Chemical Waste Dump Superfund Site. Particularly, based on CSCT's multi-years of experience collecting data at the Jackstraw Brook in Westborough, we understand the conditions and qualifications of the Jackstraw Brook which led to the Jackstraw being pre-selected in the Draft as the site for Habitat Restoration to Benefit Coldwater Fish.

The Jackstraw Brook in Westborough is a critical tributary of the Cedar Swamp which forms the headwaters of the Sudbury River. The Jackstraw is an Outstanding Resource Water (ORW) as are the other Cedar Swamp tributaries including the Denny, Piccadilly, Rutters and Whitehall Brooks, however, the Jackstraw is the only designated coldwater brook in the Upper Sudbury. Although the Jackstraw has been impacted during recent years from upstream development and miss-guided attempts to reduce storm related flooding the struggling native brook trout population has remained.

Starting in 2004 CSCT worked with staff from Riverways on Jackstraw Brook to collect streamflow, water quality and temperature data. During this period of time members of CSCT and Riverways staff met on a number of occasions with homeowners of abutting impacted properties along the segment of the brook that is the focus of the restoration project. The homeowners were supportive of the restoration of the brooks and understanding of the need for access to their properties to accomplish a proper restoration. A formal Conservation Restriction (CR) has not yet been discussed with the impacted property owners whose land will benefit from the restoration but should a CR be required we believe this could be accomplished with the help of the Westborough Community Land Trust or the Sudbury Valley Trustees both are active in the area.

Thank you for your efforts to complete this difficult project. We look forward to the issuance of the final Restoration Plan.



John Craycroft

CSCT President/Director

Ms. Karen Pelto  
Nyanza Trustee Council  
c/o Mass DEP, Bureau of Wast Site Cleanup  
One Winter St, 6<sup>th</sup> Floor  
Boston, MA 02108

January 20, 2012

Dear Ms Karen Pelto

I am writing to ask the Nyanza Trustee Council to support two proposed projects. The first would create a wildlife preserve around both the Stearns and Brackett reservoirs, benefitting both the citizens of Ashland and Framingham. Protecting and restoring the area for wildlife habitat and public use would increase the value of the reservoirs that now cannot be used for drinking water. The mechanisms for ongoing stewardship, education and monitoring are important components that will increase usage and appreciation for wildlife habitat.

The second project would create a public access boat ramp off of Aikens Road on the Sudbury River where the towns of Southborough, Hopkinton and Ashland. This would be a great addition for paddlers to experience the river up close and personal, and it would connect them to the Grynol Park Landing.

Thank you for your consideration.

Catherine Rooney

Nyanza Draft RP/EA comments received via email

Bill Fadden, Framingham resident

**From:** FADDENWN@[REDACTED]  
**Sent:** Tuesday, January 17, 2012 10:51 AM  
**To:** Pelto, Karen (DEP)  
**Cc:** [REDACTED]

**Subject:** Comments on Draft Restoration Plan and Env. Assessment for Nyanza Site

Karen

As a volunteer with various organizations, I have been associated with several Sudbury River canoe trips and an earlier offer to allow public access to the Stearns and Brackett Reservoirs.

Most of the trips, with special permission, have started at the state owned lands downstream of the Winter Street Bridge. One trip started in downtown Ashland, transited the Brackett and Stearns Reservoirs by portaging over the dams (additional special permission) and reentered the river downstream of the Winter Street Bridge. Although human impact was frequently observed, one common comment was that the Sudbury River from Ashland to the MA Pike, and associated reservoirs, appeared to be "wild and scenic" .

I strongly support the proposed creation of the Stearns and Brackett Reservoirs Wildlife Preserve that will protect these gems, promote public education of the river and the impact of Nyanza, provide for public access, and could provide headquarters facilities for the nonprofit group managing the preserve.

My comments on Section 4.4.4 of the draft report are:

1. Page 84, Element 2, Stewardship Plan - A volunteer survey of the land around the Brackett and Stearns reservoirs as part of the earlier offer for public access used the 1912 and 1913 Land Surveys (I still have a set). My recollection of the survey was that the narrow buffer around most of the reservoir precluded trail construction.

The property at Salem End Road (discussed in Element 4) is definitely a gem with a large, park like, area separated from the reservoir by a line of trees.

The only other property of significant size was the peninsula (shown as an 1.8 acre island in 1913) at the end of Fenelon Rd.

Although the Stearns Reservoir extends to the Foss Reservoir (#3) dam, any land that might be considered part of the Stearns Reservoir should be considered, along with the 15 acre property owned by Framingham Conservation Commission that north of Old Worcester Rd. and abuts the Foss Reservoir lands) as part of the Foss Reservoir public access plan.

2. Page 84, Element 2, Stewardship Plan - The last sentence: "The plan would limit any activities in the Sudbury River or on its banks that could lead to resuspension of contaminated sediments." could be overly restrictive if "limit" is interpreted as "prohibit." This sentence should be modified to be consistent with the wording in Table 12: "Potential impacts from work in riparian habitat to create boat launches or public access will be mitigated with BMPs and revegetation of any impacted areas."
3. Page 84, Element 3, Boat Access – The "boat launch" should be for "car-top boats" only and not include a "boat ramp" as mentioned in the middle of Page 86 as this infers access to trailers for larger motorized boats.
4. Page 84, Element 3, Boat Access – This element should include improvement of the existing, undesignated and undeveloped, boat access to the Sudbury River that is on the left bank immediately downstream of the Winter St. bridge (shown on Figure 23 as the triangular area NE of "72-29-5978" and on the center-right side of the photo). This was a grassy area with a good beach for launching that is now partially overgrown with small trees, brambles, and poison ivy.

Development work would involve improved access from Winter St. (presently a narrow vehicle gate in the chain-link fence), providing an all-weather parking area (had no problems with vehicle access when dry), and grading of the land near the beach.

Cut from Figure 23





5. Page 84, Element 4, Public Access – Safe public access should include portages over the Brackett Dam to connect the reservoirs and over the Stearns Dams to connect the Stearns reservoir to the Sudbury River access and should include a Winter St. pedestrian crossing.

The Stearns Dam portage could also provide public access to the reservoir (the area north of the dam has room for a parking lot).

I do not have any comment of the remainder of the well thought-out and written plan.

Bill Fadden

[REDACTED]

Framingham 01701

[REDACTED]

Nyanza Draft RP/EA comments received via email

Leslie Githens, Ashland Resident

**From:** Leslie Githens [leslie.githens@[REDACTED]]  
**Sent:** Monday, January 23, 2012 2:37 PM  
**To:** Pelto, Karen (DEP)  
**Subject:** Comments: Draft Restoration Plan and Environmental Assessment for Nyanza Superfund Site

Dear Karen,

I am writing to express my support of the following two of the proposed projects in the Draft Restoration Plan and Environmental Assessment for the Nyanza Chemical Waste Dump Superfund Site:

- 1) The creation of a wildlife preserve around the Stearns and Brackett reservoirs in Framingham adjacent to Fountain Street in Ashland. This project is Item 4.4.4 in the plan. As stated, this would help protect and restore the wildlife habitat and would allow recreational uses by the public and would also develop an important educational component on the history of Nyanza. This proposal offers a real alternative that will protect these valuable resources, enhance habitat for wildlife, and create public access to the water.
- 2) The creation of a public access boat ramp off Aikens Road on the Sudbury River where the towns of Southborough, Hopkinton and Ashland intersect. I appreciate that this provides increased access for recreational use in this area, restoring injured resource services (as stated in the report) with minimal costs.

I believe both of these projects will enhance the area around the Superfund site and provide the benefits stated in the draft restoration plan. Thank you for your consideration of comments and for taking the time to address the components of restoration, education and access on the Nyanza Superfund Site. I appreciate your work on this matter.

Sincerely,

Leslie Githens

[REDACTED]

Ashland, MA 01721 [REDACTED]

January 23, 2012

To: Nyanza Trustees

Attn: Karen Pelto

Subject: Comments on the Nyanza Draft Plan (Personal)

I am quite familiar with the Sudbury River and also Cold Water Fisheries, including some local resources, and therefore would like to make some comments regarding several areas of the Nyanza Draft Plan. Although I'm a member of the Wayland Surface Water Quality Committee these comments do not reflect the views or opinions of the that committee. Likewise, I am a past president of the Greater Boston Chapter of Trout Unlimited (many years a past president), but my comments in no way reflect the opinions of Trout Unlimited or any of it's chapters.

These areas are:

### **Creation of Stearns and Brackett Reservoirs Wildlife Preserve**

I approve of this plan, including the provisions for public access and boat launch areas. Wayland has several such access points along the Sudbury River and Heard Pond and there do not seem to be the problems associated with them that were voiced by some abutters at the Framingham Nyanza Draft presentation. It's important that the general public be able to use and enjoy these kinds of resources, and to the extent that people are prevented from doing that, it may turn them away from general support of our environment and conservation, particularly local issues.

### **Habitat Restoration to Benefit Coldwater Fish**

I'm not personally familiar with Jackstraw Brook, but there are a number of other small brooks in the Sudbury River watershed that have historically held populations of native Brook Trout (*Salvelinus fontinalis*) and which are under constant threat from development. Local conservation boards may not know of these populations and therefore may not be able to make correct decisions regarding development proposals.

An example is Pine Brook in Wayland, which was well known to some local people as a haven for Brook Trout. A developer back in the 1980s proposed a house on a small piece of high ground which had to be reached by some sort of causeway or bridge across the brook. An employee of Massachusetts Fish and Wildlife on his own time electro-shocked the brook in that area and found that there were a great many juvenile Brook Trout in that small stream. The water temperature for that section was 58 degrees in August, evidence that springs along the bank were keeping the water cool enough for Brook Trout.. That particular project was turned down at that time by the Wayland Conservation Commission.

Some other local brooks that may have native Brook Trout populations include Hayward Brook and Upper Mill Brook in Wayland, Trout Brook in Sudbury, and Second Division Brook in Concord. A inventory of these brooks would be a valuable tool to conservation boards in the Sudbury River watershed as they grapple with development proposals.

### **Sudbury River Access Improvements: Great Meadows NWR Headquarters**

I fully support improved access to the Sudbury River, since there are very few places for the public to launch boats, kayaks and canoes. In regards to the Sherman Bridge informal launch site I urge the trustees to consider the needs of boaters with trailered boats. I personally use both a small aluminum rowboat and a larger aluminum boat with an outboard motor, strictly for fishing. I'm over 70 years old and I find that my small boat is a hardship to launch in some areas and also that I can't stay in it for more than a couple of hours. In addition, I have an adult mentally handicapped son who I take out with me on fishing trips and I simply can't accommodate him easily or safely in a smaller craft. I also have friends who are older or may not be fit, and I can only take them out on the water in my trailered boat. Canoes and kayaks are fine for many people, but not for all of us, and the exclusion of larger boats may also exclude the older, handicapped, and more infirm among us.

Thank you,

Tom Largy

[REDACTED]  
Wayland, Ma 01778

thomas.largy@[REDACTED]  
[REDACTED]

# Nyanza NRDAR Restoration Plan Public Meeting, December 14, 2011 Framingham, MA Town Hall

## 1. Attendance

Trustee Council attending: Molly Sperduto, Trustee Representative, and Kenneth Munney, Alternate, U.S. Fish and Wildlife Service; Rosemary Knox, Trustee Representative, and Lisa Alexander, Alternate, Massachusetts Department of Environmental Protection; Eric Hutchins, National Oceanic and Atmospheric Administration, Trustee Representative; Karen Pelto, Nyanza Restoration Coordinator, Massachusetts Department of Environmental Protection; Diana Lane, Stratus Consulting (contractor to Trustee Council)

Public attending (see Table 1)

**Table 1. Public attending.** Record of attendance is from sign-in sheet and names given during public comment period.

Name	Organization	Did this person comment at the meeting?
Representative Chris Walsh	Massachusetts House of Representatives	No
Tom Largy	Wayland Surface Water Quality Committee; Also in attendance as private citizen from Town of Wayland	Yes
Steven Mitchell	Ashland Board of Selectmen	No
Mel Smart	Ashland Board of Health	No
Valerie Mulvey	Framingham Interim Town Manager	No
Ginger Esty	Framingham Board of Selectmen	Yes
Kevin O'Neill	Framingham Conservation Commission	No
Ethan Mascoop	Framingham Board of Health	No
Mike Hugo	Framingham Board of Health	No
Peter Pleshaw	Framingham Town Meeting Ways and Means Committee	Yes
A. Richard Miller	Cochituate State Park Advisory Committee	Yes
Bruce Leish	Metrowest Regional Collaborative	No
George Dixon	Friends of Saxonville	No
Erik J. Las	Beals & Thomas, Inc.	No
Jim Dudne	Private citizen	No
Chris McCarthy	Private citizen	No
Chris Waldron	U.S. Geological Survey	No
Marc Zimmerman	U.S. Geological Survey	No
Douglas Smithwood	U.S. Fish and Wildlife Service	Yes (spoke in response to another comment)
Libby Herland	U.S. Fish and Wildlife Service	Yes (spoke in response to another comment)
Amber Carr	U.S. Fish and Wildlife Service	No

**Table 1. Public attending.** Record of attendance is from sign-in sheet and names given during public comment period.

Name	Organization	Did this person comment at the meeting?
Ken Finkelstein	National Oceanic and Atmospheric Administration	No
Lee Steppacher	National Park Service	No
Dan Keefe	U.S. Environmental Protection Agency	No
Bob O'Connor	Massachusetts Executive Office of Energy and Environmental Affairs	No
John Scannell	Massachusetts Department of Conservation and Recreation	No

## 2. Questions/Comments from the Public

This record of questions and comments from the public was developed from a compilation of notes from three individual note-takers at the meeting (Kenneth Munney, Karen Pelto, Diana Lane). It is not a verbatim transcript.

Many of the public comments made at the meeting included a combination of questions to the Trustees, general statements providing facts or background information, and specific comments related to the proposed action in the draft restoration plan/environmental assessment (RP/EA). The Trustees responded informally to questions and general statements during the meeting, and the record of those responses is provided here. In the final draft of the RP/EA, the Trustees will respond to the specific comments made by the public in relation to the proposed action.

**Ginger Esty** – Town of Framingham Board of Selectmen

**Question:** Is this restoration being funded with the money negotiated from the owners of Nyanza?

**Trustee response:** Yes

**General statement:** At the time of the negotiation, the extent of contamination was unknown and EPA/MassDEP were not admitting to the amount of mercury and other contamination. This resulted in less money than needed to do cleanup, etc. – so that is unfortunate.

**Comment #1:** Please remove the Assabet River from the major list of locations to receive funding. It is difficult to sit here and see that there are projects proposed that are affecting communities not in the pathway of the contamination. Concentrate on Sudbury River - there is not enough dollars to go around for everything that is needed there to begin with.

**Tom Largy** – Town of Wayland, Surface water quality committee

**General statement:** Glad to see that Heard Pond is in Tier 1. When they started pulling water chestnut out of Heard Pond in 2003 they harvested 1.2 million lbs, then progressively less every year, now down to 548 lbs, 9 years later.

**Comment #1:** Three years of funding is not enough to make a dent in river chestnut issues – you need 6 or more to be effective. There are lots of plants out there; I was just on Heard Pond in November and still plants floating around now.

**Comment #2:** Recommend that you start at the top parts of the Sudbury River and work your way downstream

**Comment #3:** Concern about giving control to the Cooperative Invasive Species Management Area (CISMA) for water chestnut management on Heard Pond. The Town of Wayland will continue to manage the pond

**Informal responses:** Molly Sperduto, U.S. Fish and Wildlife Service: Idea of project is to focus on past efforts and build on those – continue with Heard Pond and other areas the Refuge has targeted. We could have put all funding toward invasives, but the Trustees wanted to balance the projects across the landscape and represent the varied resources that had been injured.

Diana Lane, Stratus Consulting: The idea of the project was to hit hard for 3 years rather than fund at low levels for many years.

Libby Herland, Refuge Manager for Great Meadows National Wildlife Refuge and chair of CISMA (invited to address this question by the Trustees): – The Town of Wayland has recently signed on to join the CISMA and funding for Heard Pond will go to the Town. There are 37 organizations now part of the CISMA, representing Federal, State, Town, conservation groups, etc... The collaborative work is focused on the whole watershed so hoping to get many areas addressed over a long time horizon.

She also appreciates the plan, thinks it is good, well thought out and knows it took a lot of time and effort to put together.

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**Richard Miller** – Chair of Cochituate State Park Advisory Committee, resident of Town of Natick

**General statement:** Provided a history of volunteer involvement in the cleanup of the Nyanza site, starting with identification of pollution to Chemical Brook. The restoration plan presented today is addressing late pieces of what started long ago.

**Comment #1:** Wants to see a real Environmental Education outreach building at the Lake Cochituate State Park (a real State Park with a teaching facility). A proposal was submitted to the Trustees to build the Environmental Education center and keep it going; not just a 3 year

effort like the education project proposed [in the draft RP/EA] for funding. The plan [draft RP/EA ] dismantles the proposal into smaller pieces. Project #8 (funding to Mass Audubon) is divided into too many places. Proposes that instead of spreading the funding around the watershed, the Trustees should be combining funding to build an Environmental Education center at Lake Cochituate. This would be a better option to fund something that will survive, rather than dissipating the education ideas throughout the watershed for a temporary program. The Towns of Natick and Framingham are underserved communities and need something like this badly – there is already Great Meadows and the new Assabet centers, but something higher up in the watershed is also needed

**Comment #2:** Pleased with and supports the Belize and dam projects – they are forward thinking.

**Informal responses/dialogue:** Molly Sperduto, U.S. Fish and Wildlife Service: Is there new funding for Lake Cochituate from Massachusetts?

Richard Miller: There is set aside funding but it is being spent on lawnmowers and water milfoil project. The bulk of it is still available (note: exact amount of funding currently available not stated).

Karen Pelto, Massachusetts Department of Environmental Protection: As stated in the presentation, NRD funds cannot be used for infrastructure, so we would be unable to fund building an Environmental Education Center. In the case of the Stearns and Brackett Reservoir proposal we are funding interpretive materials and stewardship staff at an Environmental Education center and the state is trying to come up with matching funding for the infrastructure.

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**Peter Pleshaw** – Framingham Town Meeting Ways and Means Committee, Salem End Road property owner

**General statement:** The reservoir was created for drinking water, bought by taxpayers so taxpayers legally own it. In the early 1990s, Framingham previously rejected Stearns and Brackett reservoir ownership and public access.

**Comment #1:** Some property owners have developed up to the lakeshore (“encroachment” as you are calling it) but there is still plenty of wildlife out there (deer, fox, etc....). Okay to address encroachment for natural resources but concerned about stewardship plan element – no one has looked at lands along the Reservoir, relative to property rights, out there for years – and now you are going to propose this?

**Comment #2:** Vehemently against public access to the Stearns and Brackett Reservoirs. Does not support a proposed trail around the reservoirs (would not want a trail behind his property). Against recreational access in a mercury contaminated reservoir – where is the liability when

people get sick from the mercury or drown while boating out there? The Department of Conservation and Recreation never has money to keep their own Ashland and Hopkinton State Parks open – how are you proposing to do this?

**Comment #3:** Concerned with use of Salem End Rd. for a Environmental Education Center. It's a historic road, you can't even put a sidewalk on it now according to the Town, so how could this be allowed? Years ago, private citizens had to band together to clean up the property there so it wouldn't be an eyesore.

**Comment #4:** The Trustees should meet with the Towns and talk through these proposals instead of forcing them on us.

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**Ginger Estes** – Town of Framingham Board of Selectmen, [second round of discussion and comment within meeting]

**General statement:** History of MDC management of reservoirs in 1990s. MassDEP's coverup of severity of mercury contamination in the reservoirs: Agencies knew about chemicals in 1980 but didn't do anything until 1990. Prior health studies were too narrowly drawn; neurological study never done. ... Very concerned about contaminants (VOCs especially) leaching from the unlined landfill at the Nyanza Site and continuing to come down the river....Will be presenting at the Jan 19<sup>th</sup> Selectmens meeting about the current status of conditions and cleanup and how things should not be accepted as is,

**Comment:** Town would like this body of water when it is clean, but leave it as is for wildlife and not disturb it and seek agreements with landowners not to encroach. In 1994, the Towns of Framingham and Ashland were offered ownership of the Reservoirs and rejected it.

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**Tom Largy** - Town of Wayland (commenting as private citizen)

**Question:** Wants to know if alewives have ever made it up through the system this far? He is interested in putting in a boat at Stearns and Brackett. Public access in Wayland has been successful.

**Informal response:** Eric Hutchins, NOAA: There is every indication that all anadromous species made it up the entire length of the system.

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**Richard Miller** – Town of Natick (commenting as private citizen)

**General statement:** Historic accounts of fish being collected by the bushel baskets at Saxonville dam falls when the shad and herring were running, so potential for restoration is huge.

**Informal response/discussion:** Eric Hutchins, NOAA: Anadromous fish also provide a huge resource to the river ecosystem and function as a large prey base for all kinds of freshwater fish, birds and mammals. There are currently endangered species listing petitions for American eel, alewife and blueback herring – so things are going to get interesting.

Doug Smithwood – USFWS Fisheries Assistance, Nashua, NH, lead on SuAsCo anadromous fish efforts (invited to address question by Trustees): Recently, USFWS stocked between 4,000 and 7,000 river herring from the Nemasket River run. A high level of return was anticipated, but no adult returns were documented; it was likely the wrong donor stock and there was not a water body where the fish could be retained. He would like to look at Lake Cochituate and also donor stock from Maine. Also, since that time, the American Eel has become a Species of Special Concern under the Endangered Species Act. An eelway has been installed downstream in Lawrence and the SuAsCo is the primary beneficiary. Right now, eels are present in the SuAsCo but numbers are low. However without passage at Talbot Mills (as proposed) no appreciable passage can happen for the rest of the SuAsCo system.