



April 17, 2018

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Secretary Matthew A. Beaton  
Executive Office of Energy and Environmental Affairs  
Attention: MEPA Office  
100 Cambridge Street, Suite 900  
Boston, MA 02114

RE: Eastham Water System – Phase 2 MEPA Final Supplemental EIR, EEA #15273

Dear Secretary Beaton:

The Association to Preserve Cape Cod (APCC), the Cape's leading nonprofit environmental advocacy and education organization, offers the following comments regarding the Eastham Water System Phase 2 Final Supplemental Environmental Impact Report (FSEIR).

In previous comments submitted throughout the MEPA review process for this project, APCC has expressed strong support for development of the Eastham water system. At the same time, we have also stated our concern over the project's potential impacts on rare species habitat. In particular, APCC has focused much of our written comments on the project's possible impacts to eastern spadefoot toad, a state-listed Threatened species, and the potential for water withdrawal from the proposed District H wells to adversely impact surface water levels of area vernal pools that may be used as spadefoot toad breeding habitat.

Review of the Draft Conservation and Management Permit (CMP) as well as the applicant's written responses to APCC's comments submitted for the Draft Supplemental EIR—both found in the FSEIR—show that the proposed monitoring plan and other habitat conservation and restoration efforts offer measures to mitigate construction impacts to habitat and provide a phased approach to withdrawal rates intended to prevent impacts to area vernal pools. Specifically, the CMP requirements include:

- Active restoration areas providing habitat improvements for eastern spadefoot toad that also connect to abutting larger habitat areas.
- The inclusion of additional conservation restriction measures available to Eastham that will provide for added protection of eastern spadefoot toad habitat, considering that the property is located within the Cape Cod National Seashore and has conservation restrictions associated with it.

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- Current and ongoing hydrological monitoring of vernal pools in the vicinity of the District H wellfield, which will provide data for future evaluation of wellfield operations and whether use of the wells is affecting surface water levels in the vernal pools to the extent that eastern spadefoot toad habitat is affected.

APCC is reassured by the CMP requirement that District H withdrawals will be maintained at a lower level and gradually increased under continued evaluation and in consultation with the Natural Heritage and Endangered Species Program. According to the FSEIR, the permitted withdrawal rates of the other two well sites, District G and NHRS wells, can satisfy the average summer day demand for the water system. District H will provide system redundancy and aid the town in meeting forecasted peak day demand.

In response to APCC's written comments for the Draft Supplemental EIR, the FSEIR states that if monitoring shows withdrawals need to be limited during spadefoot toad breeding season, District H withdrawal rates will be adjusted through consultation with NHESP. This condition should be specified in the final draft of the CMP. In an additional response to APCC's comments on the Draft Supplemental EIR, the FSEIR also states that conditions of the CMP will be incorporated into the DEP Water Management Act Permit.

The information provided in the FSEIR helps address APCC's previous written comments. APCC is also mindful that Phase 2 of the Eastham water system project must still undergo Cape Cod Commission review as a Development of Regional Impact, which will present further opportunity to review and comment on any potential refinements to the conditions in the CMP.

Completion of the MEPA review process represents a significant step forward for this project, which will ultimately provide a safe, clean public water supply to every resident and business in Eastham. APCC enthusiastically supports the town's efforts in this endeavor.

Sincerely,



Andrew Gottlieb  
Executive Director