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Executive Director

May 30, 2012

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Secretary Richard K. Sullivan, Jr.
Executive Office of Environmental Affairs
Attn: MEPA Office
100 Cambridge Street, Suite 900
Boston, MA 02114

**Re: ENF for Mill Pond Restoration/Dredging, Marstons Mills, Barnstable, MA
EOEEA # 14877**

Dear Secretary Sullivan:

On behalf of the Association to Preserve Cape Cod (APCC), I am submitting these comments on the ENF filing for the proposed project known as "Mill Pond Restoration Project Barnstable, MA", submitted by Horsley Witten Group, Inc. on behalf of the Applicant, the Town of Barnstable.

APCC was founded in 1968 to promote policies and programs that foster preservation of the natural resources of Cape Cod. Today APCC is the Cape's largest environmental non-profit organization with over 5,600 members from all 15 towns on the Cape. Our goals are to protect water resources, wetlands, coastal habitat, and open space and to promote responsible planned growth and the achievement of an environmental ethic. We provide education, monitoring, technical services, review of proposed projects, advocacy, and leadership to bring together agencies, organizations and stakeholders to address the Cape's most important environmental challenges. Our programs are based on sound environmental science and a working knowledge of the Cape's environmental issues and stakeholders.

APCC has long been a leader in protection of the Cape's water resources and environment. Our successes include: designation of the waters surrounding Cape Cod as Massachusetts Ocean Sanctuaries; designation of the Cape Cod Sole Source Aquifer; passage of the Cape Cod Commission Act establishing a regional planning agency with regulatory authority; designation of Stellwagen Bank as a National Marine Sanctuary; passage of the Cape Cod Land Bank Act; designation of the upper 15,000 acres of the Massachusetts Military Reservation as the Upper Cape's Water Supply Reserve; formation of the Cape Cod Business Roundtable to promote growth management; promotion of regional wastewater management; and designation of No Discharge Areas for boat sewage in Cape Cod Bay and the waters of Nantucket Sound and Vineyard Sound.

We offer the following comments.

- 1) The ENF does not provide enough information to evaluate whether the Project will enhance or diminish the ecological function of Mill Pond. Therefore, APCC urges the Secretary to require the applicant to prepare an

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Environmental Impact Report (EIR), where more information can be provided for public review and comment.

- 2) The proposal, if constructed, will require a commitment to adaptive management principles. The ENF is unclear how the Town will measure and adapt to ecological changes that are difficult to predict or anticipate. Moreover, the resources necessary to carry out a robust adaptive management plan are not apparent from the ENF.
- 3) The ENF claims to be a restoration project, but it is not clear what the restoration goal actually is. Moreover, while the “intent of the dredging is to restore the pond to its historic condition,” what the historic condition was, when the historic condition existed, and how the historic condition was determined are not identified.
- 4) The project does not appear to have been revised in response to the 2009 NHESP letter recommending dredging only in the center of the pond.
- 5) Due to the potential for unforeseen ecological impacts from the proposed dredging, the project appears more appropriately suited for a multi-year phased implementation plan as opposed to the all at once proposal. A phased approach would help minimize and reduce the chance of large, unanticipated, deleterious ecological impacts, and would allow the restoration plan to be adapted to respond to unanticipated adverse impacts.
- 6) Mill Pond is bordered by two state highways (Route 28 and Route 149). The Applicant does not appear to have coordinated with MassDOT Highway to either identify potential stormwater runoff into the pond or potential stormwater improvements to reduce nutrient loading into the pond. If improved water quality is the goal of this project, addressing stormwater impacts to the pond should also be included within the project scope.
- 7) APCC is very concerned about the potential direct impacts of the dredging project on the fish species bridge shiner (*Notropis bifrenatus*), a state-listed species of special concern, as well as long-term impacts on essential bridge shiner habitat. According to NHESP, “Bridle Shiners are found in clear water in slack areas of streams and rivers and are also found in lakes and ponds. They are associated with moderate levels of submerged aquatic vegetation with open areas where they can school. Bridge shiners seem to prefer sites with high coverage of submerge aquatic vegetation along the bottom 25 cm.” The project appears to remove significant preferred habitat of this species, and as the NHESP letter indicates, could result in the death of part of the bridge shiner population present in the pond. APCC questions whether the negative impacts on rare species and rare species habitat is justification enough for the project as proposed, given ENF’s lack of specificity regarding the purpose and anticipated benefits of the project. An EIR should analyze these potential impacts in greater detail and should also provide an analysis of the project’s environmental benefits versus its environmental detriments.
- 8) According to NHESP, the threats to the bridge shiner include habitat alterations due to turbidity and flow alterations. The project will have a high likelihood of both threats.
- 9) Both the current and historic hydrology of Mill Pond are minimized or missing. This information should be provided in detail in the EIR.
- 10) The project does not identify, address or reduce the root cause of the sediment accumulation. Sediment accumulation is a natural occurrence and it is unclear whether human activity and actions have or will continue to exacerbate this process. Ultimately the applicant should establish whether dredging will enhance natural processes, inhibit these processes and whether the benefits will be for a long-term duration or short term. This is another reason for a phased approach where these processes can be monitored and appropriately adapted.

Based on the above comments, APCC believes this project requires further study through preparation of an EIR that will enable additional public review and scrutiny. APCC thanks the Secretary for this opportunity to comment.

Sincerely,



Ed DeWitt
Executive Director

