



June 13, 2017

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

Andrew Gottlieb
Executive Director

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RE: Eastham Water System MEPA Phase 2A Waiver Request
EEA # 15274

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 MEPA Phase 2A waiver request.

APCC strongly supports the town of Eastham's efforts to provide a safe and reliable public water supply to its citizens, and therefore supports the Phase 2A waiver request submitted by the town. However, APCC is mindful of the circumstances associated with the request for a Phase 2A waiver and is concerned about the likely impacts to rare species as a result of development of the District H wellfield and storage tank.

As discussed in the filing for the Phase 2A waiver, the April 14, 2017 MEPA certificate for the Notice of Project Change for Phase 2 of the project required the town to submit a Draft Supplemental Environmental Impact Report to address comments from the Natural Heritage and Endangered Species Program (NHESP) about potential impacts to state-listed rare species. In particular, NHESP expressed concern that construction and operation of the District H wellfield and storage tank, as currently proposed, would likely result in a prohibitive take of the eastern spadefoot toad, a Threatened species. As described by NHESP, among the probable impacts to the eastern spadefoot toad are groundwater withdrawal rates that would result in a critical reduction in surface water elevations in nearby certified vernal pools utilized as breeding habitat by the species. Because of these impacts, NHESP has stated that it is unclear whether the District H portion of the project will be able to meet the performance standards of a Conservation and Management Permit for eastern spadefoot.

In light of the need for further study and assessment of the District H portion of Phase 2 that could delay progress on development of the water system, APCC agrees with the town that a partial waiver of a Supplemental EIR is justified. As coordination between Eastham and NHESP continues on the issue of District H, a Phase 2A waiver will allow the town to begin construction on additional water mains that will expedite delivery of reliable drinking water to three areas of town currently impacted by nitrates and other probable contaminants from the use of on-site septic systems. Potential impacts from a Phase 2A are not expected because the existing water system developed in Phase 1 has adequate supply capacity to meet the demand of Phase 2A properties, installation of Phase 2A water mains will occur

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only within the footprint of existing roadways, and protective erosion and sediment control measures will be implemented along roadway sections within buffer zones of bordering vegetated wetlands.

At the same time, APCC reiterates that along with our support of a Phase 2A waiver, we remain concerned about potential significant adverse impacts to rare species, particularly eastern spadefoot toad, at the District H wellfield and storage tank site, and we emphasize the importance of continued coordination between Eastham and NHESP on this issue.

Thank you for the opportunity to provide comments.

Sincerely,

A handwritten signature in blue ink, consisting of a stylized 'A' followed by a long horizontal stroke.

Andrew Gottlieb
Executive Director