

Colrain Conservation Commission

ORDER OF CONDITIONS

Franklin County Registry of Deeds
Electronically Recorded Document

This is the first page of the document - Do not remove

Recording Information

Document Number	: 2150
Document Type	: ORD
Recorded Date	: March 19, 2024
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Receipt Number	: 199077
Recording Fee	: \$105.00

Franklin County Registry of Deeds
Scott A. Cote, Register
Courthouse
43 Hope Street
P.O. Box 1495
Greenfield, MA 01302-1495
413-772-0239
www.Masslandrecords.com



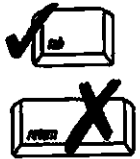
Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
 136-0089
 MassDEP File #
 eDEP Transaction #
 Colrain
 City/Town

A. General Information

Please note:
 this form has been modified with added space to accommodate the Registry of Deeds Requirements

Important:
 When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



1. From: Colrain
Conservation Commission

2. This issuance is for (check one):
 a. Order of Conditions b. Amended Order of Conditions

3. To: Applicant:
 Kevin Fox
 a. First Name b. Last Name

Town of Colrain
 c. Organization
55 Main Rd.
 d. Mailing Address

Colrain MA 01340
 e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):

 a. First Name b. Last Name

Casa Bonum, LLC
 c. Organization
73 Rhododendron Dr
 d. Mailing Address

Stony Brook NY 11790
 e. City/Town f. State g. Zip Code

5. Project Location:
Jacksonville Rd Colrain
 a. Street Address b. City/Town
131 4
 c. Assessors Map/Plat Number d. Parcel/Lot Number

Latitude and Longitude, if known: 42d691032m s -72.d693128m s
 d. Latitude e. Longitude



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A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):
Franklin
 a. County Franklin b. Certificate Number (if registered land) 26
 c. Book 5566 d. Page 26
7. Dates: October 10, 2023 March 5, 2024 March 5, 2024
 a. Date Notice of Intent Filed b. Date Public Hearing Closed c. Date of Issuance
8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):
Slope Stabilization, Jacksonville Rd, Colrain, MA
 a. Plan Title Slope Stabilization, Jacksonville Rd, Colrain, MA
 b. Prepared By BSC Group, Inc. c. Signed and Stamped by _____
 d. Final Revision Date _____ e. Scale 1"=20'
 f. Additional Plan or Document Title _____ g. Date _____

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:
 Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:
- a. Public Water Supply b. Land Containing Shellfish c. Prevention of Pollution
 d. Private Water Supply e. Fisheries f. Protection of Wildlife Habitat
 g. Groundwater Supply h. Storm Damage Prevention i. Flood Control
2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

- a. the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.



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B. Findings (cont.)

Denied because:

- b. the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c. the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**
- 3. Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a) _____ a. linear feet

Inland Resource Area Impacts: Check all that apply below. (For Approvals Only)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input checked="" type="checkbox"/> Bank	~85 a. linear feet	~85 b. linear feet	~85 c. linear feet	~85 d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
6. <input checked="" type="checkbox"/> Land Under Waterbodies and Waterways	~1056 a. square feet 35.5 e. c/y dredged	~1056 b. square feet 35.5 f. c/y dredged	406 c. square feet	406 d. square feet
7. <input type="checkbox"/> Bordering Land Subject to Flooding	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
Cubic Feet Flood Storage	_____ e. cubic feet	_____ f. cubic feet	_____ g. cubic feet	_____ h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	_____ a. square feet	_____ b. square feet		
Cubic Feet Flood Storage	_____ c. cubic feet	_____ d. cubic feet	_____ e. cubic feet	_____ f. cubic feet
9. <input checked="" type="checkbox"/> Riverfront Area	10,545 a. total sq. feet	10,545 b. total sq. feet		
Sq ft within 100 ft	_____ c. square feet	_____ d. square feet	_____ e. square feet	_____ f. square feet
Sq ft between 100-200 ft	_____ g. square feet	_____ h. square feet	_____ i. square feet	_____ j. square feet



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B. Findings (cont.)

Coastal Resource Area Impacts: Check all that apply below. (For Approvals Only)

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	_____ a. square feet	_____ b. square feet		
	_____ c. c/y dredged	_____ d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	_____ a. square feet	_____ b. square feet	_____ c. nourishment cu yd	_____ d. nourishment cu yd
14. <input type="checkbox"/> Coastal Dunes	_____ a. square feet	_____ b. square feet	_____ c. nourishment cu yd	_____ d. nourishment cu yd
15. <input type="checkbox"/> Coastal Banks	_____ a. linear feet	_____ b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	_____ a. square feet	_____ b. square feet		
17. <input type="checkbox"/> Salt Marshes	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	_____ a. square feet	_____ b. square feet		
	_____ c. c/y dredged	_____ d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	_____ a. c/y dredged	_____ b. c/y dredged		
21. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	_____ a. square feet	_____ b. square feet		
22. <input type="checkbox"/> Riverfront Area	_____ a. total sq. feet	_____ b. total sq. feet		
Sq ft within 100 ft	_____ c. square feet	_____ d. square feet	_____ e. square feet	_____ f. square feet
Sq ft between 100-200 ft	_____ g. square feet	_____ h. square feet	_____ i. square feet	_____ j. square feet



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B. Findings (cont.)

* #23. If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.5.c (BVW) or B.17.c (Salt Marsh) above, please enter the additional amount here.

23. Restoration/Enhancement *:

a. square feet of BVW

b. square feet of salt marsh

24. Stream Crossing(s):

a. number of new stream crossings

b. number of replacement stream crossings

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects.

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - a. The work is a maintenance dredging project as provided for in the Act; or
 - b. The time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
 - c. If the work is for a Test Project, this Order of Conditions shall be valid for no more than one year.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order. An Order of Conditions for a Test Project may be extended for one additional year only upon written application by the applicant, subject to the provisions of 310 CMR 10.05(11)(f).
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on _____ unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.



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C. General Conditions Under Massachusetts Wetlands Protection Act

8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]
 "File Number 136-0089 "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.



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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.
19. The work associated with this Order (the "Project")
- (1) is subject to the Massachusetts Stormwater Standards
- (2) is NOT subject to the Massachusetts Stormwater Standards

If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:

- a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:
- i.* all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
 - ii.* as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
 - iii.* any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;



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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

- iv. all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;
- v. any vegetation associated with post-construction BMPs is suitably established to withstand erosion.
- c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following:
 - i.) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and
 - ii.) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.
- d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.
- e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.
- f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.



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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

- g) The responsible party shall:
1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
 2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
 3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions (if you need more space for additional conditions, please attach a text document):

Subject to the conditions of the Natural Heritage & Endangered Species-Division of Fisheries & Wildlife.

20. For Test Projects subject to 310 CMR 10.05(11), the applicant shall also implement the monitoring plan and the restoration plan submitted with the Notice of Intent. If the conservation commission or Department determines that the Test Project threatens the public health, safety or the environment, the applicant shall implement the removal plan submitted with the Notice of Intent or modify the project as directed by the conservation commission or the Department.



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D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? Yes No
2. The _____ hereby finds (check one that applies):

- a. that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:

1. Municipal Ordinance or Bylaw 2. Citation

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

- b. that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

1. Municipal Ordinance or Bylaw 2. Citation

3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):



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E. Signatures

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

March 5, 2024

Please indicate the number of members who will sign this form.

1. Date of Issuance

This Order must be signed by a majority of the Conservation Commission.

5

2. Number of Signers

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

David W. Nims
Signature

David Nims
Printed Name

Lee Denison
Signature

Lee Denison
Printed Name

Larry J. Richmond
Signature

Larry Richmond
Printed Name

Signature

Matt Slowinski
Printed Name

Benjamin Beas
Signature

Benjamin Beas
Printed Name

William Dornbusch
Signature

William Dornbusch
Printed Name

Signature

Printed Name

Signature

Printed Name

by hand delivery on

by certified mail, return receipt requested, on

March 5, 2024
Date

Date



Massachusetts Department of Environmental Protection
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F. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.



**Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
Request for Departmental Action Fee
Transmittal Form**

DEP File Number:

Provided by DEP

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

A. Request Information

1. Location of Project

a. Street Address

b. City/Town, Zip

c. Check number

d. Fee amount

2. Person or party making request (if appropriate, name the citizen group's representative):

Name

Mailing Address

City/Town

State

Zip Code

Phone Number

Fax Number (if applicable)

3. Applicant (as shown on Determination of Applicability (Form 2), Order of Resource Area Delineation (Form 4B), Order of Conditions (Form 5), Restoration Order of Conditions (Form 5A), or Notice of Non-Significance (Form 6)):

Name

Mailing Address

City/Town

State

Zip Code

Phone Number

Fax Number (if applicable)

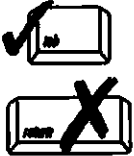
4. DEP File Number:

B. Instructions

1. When the Departmental action request is for (check one):

- Superseding Order of Conditions – Fee: \$120.00 (single family house projects) or \$245 (all other projects)
- Superseding Determination of Applicability – Fee: \$120
- Superseding Order of Resource Area Delineation – Fee: \$120

Important:
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.





Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
Request for Departmental Action Fee
Transmittal Form

DEP File Number:

Provided by DEP

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40**B. Instructions (cont.)**

Send this form and check or money order, payable to the *Commonwealth of Massachusetts*, to:

Department of Environmental Protection
Box 4062
Boston, MA 02211

2. On a separate sheet attached to this form, state clearly and concisely the objections to the Determination or Order which is being appealed. To the extent that the Determination or Order is based on a municipal bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.
3. Send a **copy** of this form and a **copy** of the check or money order with the Request for a Superseding Determination or Order by certified mail or hand delivery to the appropriate DEP Regional Office (see <https://www.mass.gov/service-details/massdep-regional-offices-by-community>).
4. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

ATTEST: Scott A. Cote Register

Colrain Conservation Commission

AND

Massachusetts Department of Environmental Protection

NOTICE OF INTENT

Jacksonville Road Embankment Failure Repair Project

Notice of Intent Colrain, MA

Submitted to:

**Town of Colrain
Conservation Commission
October 2023**

Prepared for:
Town of Colrain, Highway Department
9 Jacksonville Road
Colrain, MA 01340

BSC Project No. 28498.00

Prepared by:
 **BSC GROUP**
BUILD | SUPPORT | CONNECT

1 Mercantile Street, Suite 610
Worcester, MA 01608

OCTOBER 10, 2023

Colrain Conservation Commission
Colrain Town Hall
55 Main Road
Colrain, MA 01340

RE: **Notice of Intent**
Jacksonville Road Embankment Failure Repair Project
Jacksonville Road, Colrain, MA

Dear Members of the Colrain Conservation Commission:

BSC Group, Inc. ("BSC") is filing this Notice of Intent ("NOI") on behalf of the Town of Colrain, to repair Jacksonville Road and the associated embankment failure along the North River in Colrain, MA (the Project). The project proposes to restore the embankment on the east side of Jacksonville Road where it has slumped into the North River, undermining the right lane on the road. The project involves installing bank armoring to prevent future bank failure and to allow reconstruction of the roadway. This NOI is being submitted in accordance with the Massachusetts Wetlands Protection Act (M.G.L. Ch.131, S.40) (WPA) and its implementing regulations (310 CMR 10.00).

The installation is necessary to provide safe two-way traffic along Route 112 (Jacksonville Road), a major thoroughway for the area. The location of the proposed activities is shown on the Slope Stabilization Plan and USGS Site Locus Map in **Attachment B**.

Subject of NOI

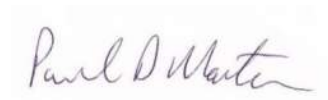
The activities which are the subject of this NOI include excavation, fill and grading necessary to restore the embankment to original grade and the installation of stone armoring to stabilize the bank and prevent future embankment failures as well as reconstruction of the road and associated features such as the guardrail. Proposed impacts include the placement of approximately 35.5 cubic yards of fill to be placed in Land Under Water to meet engineered backfill slope requirements as well as restoration of Bank.

Throughout the Project, Best Management Practices (BMPs) will be implemented to avoid adverse impacts to Resource Areas and disturbed areas will be stabilized and restore to the original condition to the extent practicable. Therefore, BSC is seeking an Order of Conditions under the Wetlands Protection Act to allow the work to proceed as described herein.

Enclosed please find three (3) copies of the NOI application package, including WPA Form 3, Figures, Project Narrative, Site Photographs, Certified Abutters List and Abutter Notification Letter. Three (3) 11x17 plans have also been included. We respectfully request that you place this matter on your agenda for the next available public hearing. If you have any questions, please do not hesitate to contact me at (617) 896-4325 or pmartin@bscgroup.com. Thank you for your consideration in this matter.

Sincerely,

BSC Group, Inc.



Paul Martin
Sr. Project Manager

Cc: Micah Morrison - BSC
Kevin Fox-Town of Colrain
DEP-Western Region
Casa Bonum LLC

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Jacksonville Road Embankment Failure Repair Project
Colrain, Massachusetts
Notice of Intent

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ATTACHMENT C	REPRESENTATIVE PHOTOGRAPHS
ATTACHMENT D	ABUTTER NOTIFICATION LETTER CERTIFIED LIST OF ABUTTERS

WPA Form 3

Jacksonville Road Embankment Failure Repair Project
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**NOTICE OF INTENT
COPY OF FILING FEE**



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Colrain

City/Town

Important:

When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



Note:
Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

A. General Information

1. Project Location (**Note:** electronic filers will click on button to locate project site):

Jacksonville Road	Colrain	01340
a. Street Address	b. City/Town	c. Zip Code
Latitude and Longitude:	42.691032	-72.693128
	d. Latitude	e. Longitude
131	004	
f. Assessors Map/Plat Number	g. Parcel /Lot Number	

2. Applicant:

Kevin	Fox	
a. First Name	b. Last Name	
Town of Colrain		
c. Organization		
55 Main Road		
d. Street Address		
Colrain	MA	01340
e. City/Town	f. State	g. Zip Code
413-624-6306	413-624-8852	bos@colrain-ma.gov
h. Phone Number	i. Fax Number	j. Email Address

3. Property owner (required if different from applicant): Check if more than one owner

a. First Name	b. Last Name	
CASA BONUM, LLC		
c. Organization		
73 RHODODENDRON DR		
d. Street Address		
Stony Brook	NY	11790
e. City/Town	f. State	g. Zip Code
516-446-6492		cmata@yahoo.com
h. Phone Number	i. Fax Number	j. Email address

4. Representative (if any):

Paul	Martin	
a. First Name	b. Last Name	
BSC Group Inc.		
c. Company		
1 Mercantile Street, Suite 610		
d. Street Address		
Worcester	MA	01608
e. City/Town	f. State	g. Zip Code
617-896-4325		pmartin@bscgroup.com
h. Phone Number	i. Fax Number	j. Email address

5. Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form):

Exempt	Exempt	Exempt
a. Total Fee Paid	b. State Fee Paid	c. City/Town Fee Paid



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A. General Information (continued)

6. General Project Description:

Repair of failed roadway embankment including riverbank armoring along the North River, installation of replacement guardrail along the repaired shoulder, and restoring the road bed followed by paving the roadway surface within the footprint of the repaired and adjacent existing road.

7a. Project Type Checklist: (Limited Project Types see Section A. 7b.)

- 1. Single Family Home
- 2. Residential Subdivision
- 3. Commercial/Industrial
- 4. Dock/Pier
- 5. Utilities
- 6. Coastal engineering Structure
- 7. Agriculture (e.g., cranberries, forestry)
- 8. Transportation
- 9. Other

7b. Is any portion of the proposed activity eligible to be treated as a limited project (including Ecological Restoration Limited Project) subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

- 1. Yes No If yes, describe which limited project applies to this project. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

10.53(3)(f) Maintenance and improvement of existing public roadways, but limited to widening less than a single lane, adding shoulders, correcting substandard intersections, and improving inadequate drainage systems.

2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR10.24(8), 310 CMR 10.53(4)), complete and attach Appendix A: Ecological Restoration Limited Project Checklist and Signed Certification.

8. Property recorded at the Registry of Deeds for:

Franklin

a. County

5566

c. Book

b. Certificate # (if registered land)

26

d. Page Number

B. Buffer Zone & Resource Area Impacts (temporary & permanent)

- 1. Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
- 2. Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.



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B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

For all projects affecting other Resource Areas, please attach a narrative explaining how the resource area was delineated.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input checked="" type="checkbox"/> Bank	~85 1. linear feet	~85 2. linear feet
b. <input type="checkbox"/> Bordering Vegetated Wetland	1. square feet	2. square feet
c. <input checked="" type="checkbox"/> Land Under Waterbodies and Waterways	~1056 (650 perm /406 temp) 1. square feet 35.5 3. cubic yards dredged	406 2. square feet

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. <input type="checkbox"/> Bordering Land Subject to Flooding	1. square feet 3. cubic feet of flood storage lost	2. square feet 4. cubic feet replaced
e. <input type="checkbox"/> Isolated Land Subject to Flooding	1. square feet 2. cubic feet of flood storage lost	3. cubic feet replaced
f. <input checked="" type="checkbox"/> Riverfront Area	North River - inland 1. Name of Waterway (if available) - specify coastal or inland	

2. Width of Riverfront Area (check one):

- 25 ft. - Designated Densely Developed Areas only
- 100 ft. - New agricultural projects only
- 200 ft. - All other projects

3. Total area of Riverfront Area on the site of the proposed project: 10,545
square feet

4. Proposed alteration of the Riverfront Area:

<u>6,680 (1,205 perm/ 5,475 temp)</u>	<u>6,680 (1,205 perm/ 5,475 temp)</u>	<u>0</u> c. square feet between 100 ft. and 200 ft.
---------------------------------------	---------------------------------------	--

5. Has an alternatives analysis been done and is it attached to this NOI? Yes No

6. Was the lot where the activity is proposed created prior to August 1, 1996? Yes No

3. Coastal Resource Areas: (See 310 CMR 10.25-10.35)

Note: for coastal riverfront areas, please complete **Section B.2.f.** above.



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B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

Check all that apply below. Attach narrative and supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

Online Users:
 Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	_____	
	1. square feet	

	2. cubic yards dredged	
c. <input type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input type="checkbox"/> Coastal Beaches	_____	_____
	1. square feet	2. cubic yards beach nourishment
e. <input type="checkbox"/> Coastal Dunes	_____	_____
	1. square feet	2. cubic yards dune nourishment
	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
f. <input type="checkbox"/> Coastal Banks	_____	
	1. linear feet	
g. <input type="checkbox"/> Rocky Intertidal Shores	_____	
	1. square feet	
h. <input type="checkbox"/> Salt Marshes	_____	_____
	1. square feet	2. sq ft restoration, rehab., creation
i. <input type="checkbox"/> Land Under Salt Ponds	_____	
	1. square feet	

	2. cubic yards dredged	
j. <input type="checkbox"/> Land Containing Shellfish	_____	
	1. square feet	
k. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above	

	1. cubic yards dredged	
l. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	_____	
	1. square feet	
4. <input type="checkbox"/> Restoration/Enhancement	If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.	
	_____	_____
	a. square feet of BVW	b. square feet of Salt Marsh
5. <input type="checkbox"/> Project Involves Stream Crossings		



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a. number of new stream crossings

b. number of replacement stream crossings

C. Other Applicable Standards and Requirements

- This is a proposal for an Ecological Restoration Limited Project. Skip Section C and complete Appendix A: Ecological Restoration Limited Project Checklists – Required Actions (310 CMR 10.11).

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

- Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to http://maps.massgis.state.ma.us/PRI_EST_HAB/viewer.htm.

- a. Yes No

If yes, include proof of mailing or hand delivery of NOI to:

**Natural Heritage and Endangered Species Program
Division of Fisheries and Wildlife
1 Rabbit Hill Road
Westborough, MA 01581**

August 2021

b. Date of map

If yes, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18). To qualify for a streamlined, 30-day, MESA/Wetlands Protection Act review, please complete Section C.1.c, and include requested materials with this Notice of Intent (NOI); *OR* complete Section C.2.f, if applicable. *If MESA supplemental information is not included with the NOI, by completing Section 1 of this form, the NHESP will require a separate MESA filing which may take up to 90 days to review (unless noted exceptions in Section 2 apply, see below).*

- Submit Supplemental Information for Endangered Species Review*

- Percentage/acreage of property to be altered:

(a) within wetland Resource Area	<1	_____
	percentage/acreage	
(b) outside Resource Area	<1	_____
	percentage/acreage	

- Assessor's Map or right-of-way plan of site

- Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work **

- Project description (including description of impacts outside of wetland resource area & buffer zone)

* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see <https://www.mass.gov/endangered-species-act-mesa-regulatory-review>).

Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

** MESA projects may not be segmented (321 CMR 10.16). The applicant must disclose full development plans even if such plans are not required as part of the Notice of Intent process.



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(b) Photographs representative of the site

C. Other Applicable Standards and Requirements (cont'd)

(c) MESA filing fee (fee information available at <https://www.mass.gov/how-to/how-to-file-for-a-mesa-project-review>).

Make check payable to "Commonwealth of Massachusetts - NHESP" and **mail to NHESP** at above address

Projects altering 10 or more acres of land, also submit:

(d) Vegetation cover type map of site

(e) Project plans showing Priority & Estimated Habitat boundaries

(f) OR Check One of the Following

1. Project is exempt from MESA review.
Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, <https://www.mass.gov/service-details/exemptions-from-review-for-projectsactivities-in-priority-habitat>; the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)

2. Separate MESA review ongoing. a. NHESP Tracking # b. Date submitted to NHESP

3. Separate MESA review completed.
Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.

3. For coastal projects only, is any portion of the proposed project located below the mean high water line or in a fish run?

a. Not applicable – project is in inland resource area only b. Yes No

If yes, include proof of mailing, hand delivery, or electronic delivery of NOI to either:

South Shore - Cohasset to Rhode Island border, and the Cape & Islands:

North Shore - Hull to New Hampshire border:

Division of Marine Fisheries -
Southeast Marine Fisheries Station
Attn: Environmental Reviewer
836 South Rodney French Blvd.
New Bedford, MA 02744
Email: dmf.envreview-south@mass.gov

Division of Marine Fisheries -
North Shore Office
Attn: Environmental Reviewer
30 Emerson Avenue
Gloucester, MA 01930
Email: dmf.envreview-north@mass.gov

Also if yes, the project may require a Chapter 91 license. For coastal towns in the Northeast Region, please contact MassDEP's Boston Office. For coastal towns in the Southeast Region, please contact MassDEP's Southeast Regional Office.

c. Is this an aquaculture project? d. Yes No

If yes, include a copy of the Division of Marine Fisheries Certification Letter (M.G.L. c. 130, § 57).



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Online Users:
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

C. Other Applicable Standards and Requirements (cont'd)

- 4. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?
 - a. Yes No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.
 - b. ACEC

- 5. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?
 - a. Yes No
- 6. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?
 - a. Yes No
- 7. Is this project subject to provisions of the MassDEP Stormwater Management Standards?
 - a. Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:
 - 1. Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)
 - 2. A portion of the site constitutes redevelopment
 - 3. Proprietary BMPs are included in the Stormwater Management System.
 - b. No. Check why the project is exempt:
 - 1. Single-family house
 - 2. Emergency road repair
 - 3. Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

D. Additional Information

- This is a proposal for an Ecological Restoration Limited Project. Skip Section D and complete Appendix A: Ecological Restoration Notice of Intent – Minimum Required Documents (310 CMR 10.12).

Applicants must include the following with this Notice of Intent (NOI). See instructions for details.

Online Users: Attach the document transaction number (provided on your receipt page) for any of the following information you submit to the Department.

- 1. USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)



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- 2. Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative

D. Additional Information (cont'd)

- 3. Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.

- 4. List the titles and dates for all plans and other materials submitted with this NOI.

Slope Stabilization, Jacksonville Road, Colrain, MA	
a. Plan Title	
BSC Group Inc.	
b. Prepared By	c. Signed and Stamped by
	1"=20'
d. Final Revision Date	e. Scale
	8/29/2023
f. Additional Plan or Document Title	g. Date

- 5. If there is more than one property owner, please attach a list of these property owners not listed on this form.
- 6. Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.
- 7. Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.
- 8. Attach NOI Wetland Fee Transmittal Form
- 9. Attach Stormwater Report, if needed.

E. Fees

- 1. Fee Exempt: No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

Applicants must submit the following information (in addition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:

2. Municipal Check Number	3. Check date
4. State Check Number	5. Check date
6. Payor name on check: First Name	7. Payor name on check: Last Name



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F. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made by Certificate of Mailing or in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

Ken P. Fay

1. Signature of Applicant

10-2-23

2. Date

3. Signature of Property Owner (if different)

Paul D. Martin

4. Date

10/9/2023

6. Date

For Conservation Commission:

Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

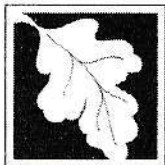
For MassDEP:

One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a **copy** of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

Other:

If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.



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1. Signature of Applicant

[Handwritten Signature] CRISTIAN MATA, Casa Bonum LLC

3. Signature of Property Owner (if different)

2. Date

9/30/2023

4. Date

5. Signature of Representative (if any)

6. Date

For Conservation Commission:

Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

For MassDEP:

One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a **copy** of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

Other:

If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

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Attachment A

Jacksonville Road Embankment Failure Repair Project
Colrain, Massachusetts
Notice of Intent

NARRATIVE

1 INTRODUCTION

On behalf of the Town of Colrain, BSC Group, Inc. (BSC) is pleased to submit this Notice of Intent (NOI) for the repair of Jacksonville Road and restoration of the associated embankment failure along the North River in Colrain, MA (the Project). The project proposes to restore the embankment on the east side the Jacksonville Road where it has slumped into the North River undermining the right lane on the road, and to armor the embankment to prevent future bank failures.

Specifically, the project proposes the restoration of the slumped bank to original grade, along with the installation of bank armoring to prevent future embankment failure. Additional activities include resurfacing the road and replacing the guardrails. Please refer to the Site Plan in **Attachment B** for details. Project activities are located within Riverfront Area, Inland Bank, and Land Under Water (LUW) associated with the North River, additional regulated areas include the 100-ft Buffer to Inland Bank and NHESP Priority and Estimated Habitat.

This Notice of Intent has been prepared in accordance with the Massachusetts Wetland Protection Act, M.G.L. c.131 c.40 (the Act) and implementing regulations (310 CMR 10.00). While the proposed project will result in unavoidable impacts to wetland resource areas, the project has been designed to avoid, minimize, and mitigate impacts to jurisdictional wetland resource areas to the maximum extent practicable in accordance with 310 CMR 10.54 (Inland Bank), 310 CMR 10.56 (Land Under Water and Wetlands), and 310 CMR 10.58 (Riverfront Area). The project has been designed to implement site specific Best Management Practices (BMPs) during construction, and to provide a net improvement to wetland resource areas.

BSC respectfully request that the Colrain Conservation Commission find the Project described herein to be adequately protective of the interests of the Wetlands Protection Act (WPA) and issue an Order of Conditions.

2 EXISTING CONDITIONS

The North River runs from northeast to southwest with a sharp southeasterly bend when it abuts Jacksonville Road, just east of 146 Jacksonville Road. The river then runs parallel to the road past the bridge that crosses over to Reils Lane. Land use within the surrounding area is predominantly mixed forest with low density residential development.

BSC conducted a desktop review (using MassGIS datalayers and other available mapping) and site visit of the proposed work locations to delineate resource areas within the Project area in June 2023. Project activities are located within Riverfront Area, Land Under Water (LUW), Bank, and the 100-ft Buffer to Inland Bank associated with the North River.

The Site Plan in Attachment B shows the existing conditions, wetland resource areas, and buffer zones in relation to the proposed activities. Representative Photographs are provided in **Attachment C**.

2.1 Wetland Resource Areas Summary

The following wetland resource areas were identified and delineated within proximity of the proposed project area:

Inland Bank (310 CMR 10.54) – Inland Bank was delineated along the upstream and downstream sides of the slumped embankment on the east side of Jacksonville Road. Inland Bank was delineated just above the boundary of the Mean Annual High Water (MAHW) line, and aligns closely with Bankfull Width or the Mean Annual Flood Line, and established at approximately elevation 623. Given the steepness of the slope, there is very little horizontal difference between these various elevations.

Land Under Water Bodies and Waterways (LUWW) (310 CMR 10.56) – LUWW is the land beneath any creek, river, stream, pond, or lake. LUWW is situated between the delineated limits of Inland Bank established at the field indicators of OHW. OHW was established at approximately elevation 619. Generally, the perennial stream channel is characterized by unconsolidated stream bottom consisting of sand and gravel with embedded cobbles.

Riverfront Area (310 CMR 10.58) – Riverfront Area was measured horizontally from the top of Inland Bank which was determined to coincide with the Mean Annual High Water Line (MAHW) at approximately elevation 623. The entire project area is within the inner 0-100 feet of the 200-foot Riverfront Area.

2.2 Other Resource Areas

Other resource areas identified within or near the Project Area, including Natural Heritage Endangered Species (NHESP) Habitat.

3 PROPOSED CONDITIONS AND WORK DESCRIPTION

The purpose of the Project is to repair the main road and return it to a two-lane roadway, and it requires the repair and armoring of the adjacent embankment which failed in January 2023, collapsing into the North River, and undermining the right lane of the road. This project is critical to restoring the structural integrity to this section of Route 112, providing safe vehicle transit, preventing further undercutting of the roadway, and stabilizing the riverbank and roadway from future structural failures. The stabilization will benefit the North River in that excessive sediment erosion, creating suspended sediments, will be eliminated from within the project area. The project is designed with BMPs to address existing structural deficiencies, while also minimizing disturbances to the surrounding environment. The following project components detail the proposed project activities. Please refer to Site Plans (**Attachment B**) for additional detail.

Overall, the project will have approximately 1,056 square feet (sf) of impacts to Land Under Water (650.75 sf permanent impacts and 406 sf temporary impacts) associated with repairing the lower section of the failed embankment. Approximately 406 square feet (sf) of temporary impacts are necessary to manage water and contain the work area during construction, and 650.75 sf of permanent impacts are necessary for the dredging of excess material, placement of engineered fill to reestablish a stable grade, and installation of bank armoring along the toe of slope.

Once the embankment has been repaired, the road will be replaced within its original footprint, no increase in road width is proposed as part of this project. The road and shoulder repair work can be considered a minor activity under 10.02(2)(a)(1), 10.02(2)(b)(2)(p)¹, 10.58(6)(a) and 10.58(6)(b) which allow for “pavement repair, resurfacing, and reclamation of existing roadways within the right-of-way configuration” within Riverfront Area and Buffer Zone, however, all impacts have been calculated and included in this filing.

Current conditions of the embankment and riverbank are unstable and lacking vegetation where the slope has collapsed into the river. The river flow continues to cause erosion at the bare slope, further undercutting the embankment and potentially further undermining the roadway.

Embankment Restoration Sequence

Phase I – Temporary Work Pad and Lower Bank Restoration and Armoring

In order to install the sandbag cofferdam in the river, and to complete the dredge and fill activities associated with restoring the necessary grade along the lower portion of the embankment, a work area of approximately 1,113 sf is required. The work area must be located 10 feet below the road elevation in order for the excavator’s arm to reach the lower half of the embankment. To achieve this, a temporary work area and access ramp will be created within Riverfront Area; the footprint of which will overlap a portion of the existing road footprint, the upper portion of the embankment repair area, and a small section beyond the road shoulder (**See Phase I of the Plan Set in Attachment B**).

Once the work pad is created, the excavator will establish a temporary coffer dam around the slope repair area by placing 1000 lb sandbags to separate the work area from flowing water. The work area will be dewatered, and excess sediment from the collapsed slope will be removed (approximately 35.5 cubic yards of material). Lower bank restoration will include the placement of geotextile fabric and engineered backfill as detailed on page 7 of the **Plan Set in Attachment B**. Additional information is included in **Section 7.4 Water Control Measures and Dewatering**.

Installation of Riprap and Bank Armoring – Once the lower section of the embankment has been restored with engineered fill and regraded, large stone and riprap shall be placed along the lower half of the slope to armor the bank and slope against erosion while providing additional stability and support to the embankment.

Phase II – Upper Slope Stabilization and Restoration

¹ Pavement repair, resurfacing, and reclamation of existing roadways within the right-of-way configuration provided that the roadway and shoulders are not widened, no staging or stockpiling of materials, all disturbed road shoulders are stabilized within 72 hours of completion of the resurfacing or reclamation, and no work on the drainage system is performed, other than adjustments and/or repairs to respective structures within the roadway.

Once the lower section has been stabilized, excavators will remove the sandbags that make the cofferdam and the temporary work pad will be restored to original grade with engineered backfill to re-establish the embankment and road shoulder and for the embankment stabilization.

Phase III – Roadway Repair

Once the embankment has been fully restored and stabilized, the roadway will be repair and replaced as need, and new guardrails will be installed along the road shoulder. Additionally, the temporarily disturbed area of riverfront will be revegetated with a native restoration seed mix.

Roadway and Drainage Improvements – The proposed project does not include any work on or improvements to the drainage system which is primarily country drainage in this section of the road.

Wetland Resource Avoidance and Minimization Measures – The proposed project is not anticipated to result in any permanent impacts to BVW. Permanent impacts associated with the project include dredging (LUWW), the placement of engineered fill (LUWW), grading (Bank, RA), and installation of bank armoring (Bank, RA) and within the channel (LUWW). Overall, approximately 35.5 cf of fill and riprap will be placed below the OHW, impacting approximately 650.75 sf area. In addition, the restoration work will re-establish a secure bank that aligns with the adjacent bank, for a length of approximately 85 feet. Due to the nature of the project, temporary impacts associated with the installation of water handling controls will result in an additional 406 sf of temporary impacts to LUWW.

4 CONFORMANCE WITH PERFORMANCE STANDARDS OF THE WPA

According to the WPA regulations, on-site wetland resource areas are presumed significant in varying capacities to flood control, storm damage prevention, prevention of pollution, wildlife habitat, fisheries habitat, protection of public water supply, and protection of groundwater supply. The following section describes how the project will minimize and mitigate wetland resource area impacts to the maximum extent practicable by complying with the general performance standards established for each area. Table 4-1 below provides an overview of wetland impacts with regard to each wetland resource area:

Table 4-1: Resource Area Impacts

Wetland Resource Area	Impacts	Comments
Inland Bank	85 lf (permanent)	Unavoidable impacts to Inland Bank are associated with the excavation, fill and regrading, as well as the installation of riprap for scour protection.
Land Under Water	650.75 sf (permanent) 35.5 cy dredge (permanent) 52.1 cy fill (permanent) 604 sf (temporary)	Permanent impacts are associated with dredging and excavation of excess slumped material, placement of engineered fill, and the installation of riprap prevent scour and erosion. Temporary

		impacts include disturbance during reconstruction of the bank and includes the limit of disturbance as defined by, and including the footprint of, the sandbag coffer dam.
Riverfront Area Total = 10,545	6,680 sf (total impacts) 1,205 sf (permanent) 5,475 sf (temporary – 922 s.f. within the roadway footprint and 191 s.f. within the shoulder of the roadway)	Permanent impacts are associated with embankment repair work above MAHW, including excavation, placement of fill, regrading and installation of rip-rap to prevent scour and erosion. Also included is the temporary impacts associated with the exempt road repair work and construction of a temporary access and work area needed for the excavator to reach the lower side of the embankment. Equipment shall not be located within any other resource areas.

4.1 Inland Bank

[310 CMR 10.54 (4)(a)] – Where the presumption set forth in 310 CMR 10.54(3) is not overcome, any proposed work on a Bank shall not impair the following:

1. *The physical stability of the bank;*
2. *The water carrying capacity of the bank;*
3. *Groundwater and surface water quality;*
4. *The capacity of the Bank to provide breeding habitat, escape cover and food for fisheries;*
5. *The capacity of the Bank to provide important wildlife functions. A project that alters up to 10% or 50-feet (whichever is less) of the length of the bank found to be significant to the protection of wildlife habitat, shall not be deemed to impair its capacity to provide important wildlife habitat functions. Additional alterations beyond the above threshold may be permitted if they will have no adverse effects on wildlife habitat, as determined by procedures contained in 310 CMR 10.60.*

The project area currently exhibits disturbed conditions associated with stream scour, erosion, bank collapse and damaged pavement. The proposed project will result in an overall improvement to the existing riverbank through a combination of restoration and engineered stabilization measures necessary to provide a safe road and stable riverbank.

310 CMR 10.54(4)(b)] - (in part) Notwithstanding the provisions of 310 CMR 10.54(4)(a), structures may be permitted in or on a Bank when required to prevent flood damage to facilities, buildings and roads provide that the following requirements are met;

1. *The proposed protective structure, renovation or reconstruction is designed using best practical measures so as to minimize adverse effects on the characteristics and functions of the resource area;*
2. *The applicant demonstrates that there is no reasonable method of protecting, renovating or rebuilding the facility in question other than the one proposed.*

Impacts to Inland Bank have been reduced, minimized, and mitigated to the maximum extent practicable to avoid adverse impacts to the resource area. While the project will result in unavoidable impacts to Inland Bank, the proposed design will improve bank stabilization and is

essential to public safety. The implementation of BMPs during construction will minimize adverse effects on the characteristics and functions of the resource area.

[310 CMR 10.54(4)(c)] – (in part) Notwithstanding the provisions of 310 CMR 10.54 (a) or (b), no project may be permitted which will have any adverse effect on the specified habitat sites of rare vertebrate or invertebrate species.

A copy of this NOI has been submitted to NHESP for MESA review in accordance with Streamlined Notice of Intent Process.

4.2 Land Under Water Bodies and Waterways

[310 CMR 10.56 (4)(a)] – Where the presumption set forth in 310 CMR 10.56(3) is not overcome, any proposed work within Land Under Water Bodies and Waterways shall not impair the following:

- 1. The water carrying capacity within the defined channel, which is provided by said land in conjunction with the banks;*
- 2. Ground and surface water quality;*
- 3. The capacity of said land to provide breeding habitat, escape for cover and food for fisheries;*
- 4. (in part) the capacity of land to provide important wildlife functions.*

This project is a bank repair project due to an extreme erosion event and will not impair the water carrying capacity of the defined channel, it will not impair ground and surface water quality, and it will restore its capacity to provide habitat for wildlife by removing the excess soil and pavement that was deposited into the channel and adding large stone which can be used but wildlife for cover. Additionally, stabilizing the bank to prevent future washouts and large sediment discharges, this project will prevent future erosion and the resulting increased suspended sediments.

[310 CMR 10.56 (4)(b)] – The issuing authority may issue an Order when best practical measures are used to minimize adverse effects such as the suspension or transport of pollutants, increases in turbidity.....

The proposed project will utilize BMPs, for example temporary coffer dams (e.g. sand bags), and be conducted (strategic construction phasing) during periods of low flow to avoid the suspension or transport of pollutants, increases in turbidity, etc.

[310 CMR 10.56 (4)(c)] – no project may be permitted which will have any adverse effect on specified habitat sites of rare vertebrate or invertebrate species.

A copy of this NOI has been submitted to NHESP for MESA review in accordance with Streamlined Notice of Intent Process.

4.3 Riverfront Area

[310 CMR 10.58(6)(a)] Notwithstanding the Provisions of 310 CMR 10.58(1) through (5), Certain Activities or Areas Are Grandfathered or Exempted from Requirements for the Riverfront Area:

- a. *Any excavation, structure, road, clearing, driveway, landscaping, utility line, rail line, airport owned by a political subdivision, marine cargo terminal owned by a political subdivision, bridge over two miles long, septic system, or parking lot within the riverfront area in existence on August 7, 1996. Maintenance of such structures or areas is allowed (including any activity which maintains a structure, roads (limited to repairs, resurfacing, repaving, but not enlargement), clearing, landscaping, etc. in its existing condition) without the filing of a Notice of Intent for work within the riverfront area, but not when such work is within other resource areas or their buffer zones except as provided in 310 CMR 10.58(6)(b). Changes in existing conditions which will remove, fill, dredge or alter the riverfront area are subject to 310 CMR 10.58, except that the replacement within the same footprint of structures destroyed by fire or other casualty is not subject to 310 CMR 10.58.*
- b. *Certain minor activities as identified in 310 CMR 10.02(2)(b)1.*

This project is necessary to restore the roadway and embankment which were damaged by extreme weather events and erosion, resulting in a severe washout and collapse of the bank along with the right lane of the road.

5 ALTERNATIVE ANALYSIS

The Project has been designed to avoid, minimize, and mitigate project-related impacts to the maximum extent practicable. BSC has explored various design alternatives, and the proposed Project has been designed to incur the least amount of impacts to resource areas, and meet the performance standards to the extent practicable. In evaluating alternatives factors considered are presented below. Since the project is located at a specific section of the North River, locational alternatives cannot and were not evaluated. The project has to occur at this location.

Potential for erosion: The project is being proposed to repair a collapsed embankment which has undermined a main roadway through Colrain. As such, existing conditions are characterized as a public safety concern. This embankment failure was a result of natural scour and erosion processes associated with riparian systems, however, the proximity of the existing road to the river makes this a serious hazard to public infrastructure and safety. The proposed project will improve conditions by armoring the bank against future erosion and stabilizing the embankment and the adjacent roadway.

Stream stability: The proposed project will improve flow conditions and reduce scour and erosion of the embankment. The large stone armoring will be embedded within a portion of the stream channel to protect against future erosion and stabilizing the embankment and the adjacent roadway.

Potential to affect property and infrastructure: The project is necessary because of the current damage and future risks associated with an undermined roadway and failed embankment. The proposed design addresses these issues by removing the displaced soil, repairing the bank and installing bank armoring to reduce erosion and future damage.

Cost of replacement: An evaluation of design alternatives determined that the proposed Project was the only viable solution, fulfilling the Project purpose due to the site constraints associated with the location, the nature of the project as a repair of existing infrastructure, and the public need for safe and reliable travel along Route 112.

Alternative Approaches

A bioengineered solution was considered, in order to potentially create a more natural looking river bank and adjoining slope. However, given the hydraulic forces associated with the location being on the outside of a river bend, and the limited space between the river and the roadway, a bioengineered approach was deemed impractical and highly likely to be ineffective in maintaining the long term integrity of the river bank and embankment slope.

A hard engineering approach was also considered, such as driven sheetpile, or cast in place concrete wall. However, these approaches would create a less natural river bank, impeding wildlife passage, be aesthetically unpleasant, and in many instances results in future bank deterioration at the upstream and downstream ends of the engineered structure. A hard engineered approach was not selected for this project.

6 COMPLIANCE WITH STORMWATER STANDARDS

The proposed project will not result in an increase in impervious cover, no work or maintenance of stormwater infrastructure is proposed, and there is no point source discharge, therefore, this project is not subject to the Stormwater Standards.

7 CONSTRUCTION BEST MANAGEMENT PRACTICES & MITIGATION

The proposed project will occur within the jurisdictional limits of Inland Bank, LUW, Riverfront Area and the 100-foot Buffer Zone to Inland Bank. The project has therefore been designed to incorporate BMPs to ensure adequate protection to wetland resource areas within proximity of the project location. Mitigation measures are described below. Please refer to the plan set for BMPs specification.

7.1 Construction Timing and Sequencing

To the extent practicable, in-water construction will be timed to avoid high flow conditions. The appropriate use of sandbags (or similar water management technique) will allow work within LUWW. Removal of in-water features will also be timed to the extent possible to avoid high flow. Removal of equipment or BMPs (e.g. stream isolation measures) may proceed at any time, provided adequate safeguards are used to avoid excessive impact to the waterway or water body. Removal of in-stream construction features in a timely manner will reduce the duration of any temporary impacts and allow the project area to recover more quickly.

7.2 Erosion Control

Siltation barriers composed of compost filter tubes and/or silt socks will be installed within direct proximity of the proposed work areas. The siltation barriers will demarcate the limit of work, form a work envelope, and provide additional assurance that construction equipment or sediment will not enter the adjacent wetland resource areas. Sedimentation barriers will remain in place until all disturbed areas are stabilized.

7.3 Construction Stockpiling Locations

There will be no overnight storage of exposed soil, gravel, or construction debris within the roadway. Material excavated will be removed from the project area following the completion of project activities. Stockpiled materials and machinery will be staged outside of any sensitive resource areas, spoils piles will be covered with tarps and the staging area will be surrounded by erosion control measures (e.g. compost filter tubes, silt sacks). There will be no refueling of equipment within the 100-foot buffer zone to the extent practical.

7.4 Water Control Measures and Dewatering

Work will be conducted during low flow periods and the work area will be suitably contained to minimize impacts to waterway. This is accomplished by creating a dry work area through the use of water control measures including a temporary coffer dam.

The contractor will identify an appropriate location and acquire approval from landowners and the Conservation Commission as needed. Authorized water control methods are outlined below, with additional details provided in the plan set:

- Haybale and Filter Fabric Dewatering Basin or filter bag
- Depending on the characteristics of the project site, or the preferences of the contractor, other water control methods may be used. The contractor will coordinate and obtain written concurrence with the Colrain Conservation Commission.

Dewatering will be necessary to accomplish the proposed project activities. Dewatering will consist of a pump to remove water from the areas of excavation and to allow for the placement of geotextile fabric and stone backfill. The discharge hose will transfer this pumped water to temporary dewatering sediment containment structure or filter bag which will serve to filter out sediments before the runoff is discharged into the surrounding environment. Dewatering sediment containment structures or filter bags will be located outside of environmentally sensitive resource areas.

8 CONCLUSION

The information contained in this Notice of Intent application sufficiently describes the existing conditions, proposed activities, and anticipated impacts to the wetland resource areas protected under the WPA. The application further demonstrates that the project can be constructed in accordance with the applicable general performance standards for the affected resource areas. Additionally, the Project purposed is a matter of public safety and interest. Therefore, the Applicant respectfully requests the Colrain Conservation Commission issue an Order of Conditions with appropriate conditions to protect those interests noted herein.

Attachment B

Jacksonville Road Embankment Failure Repair Project
Colrain, Massachusetts
Notice of Intent

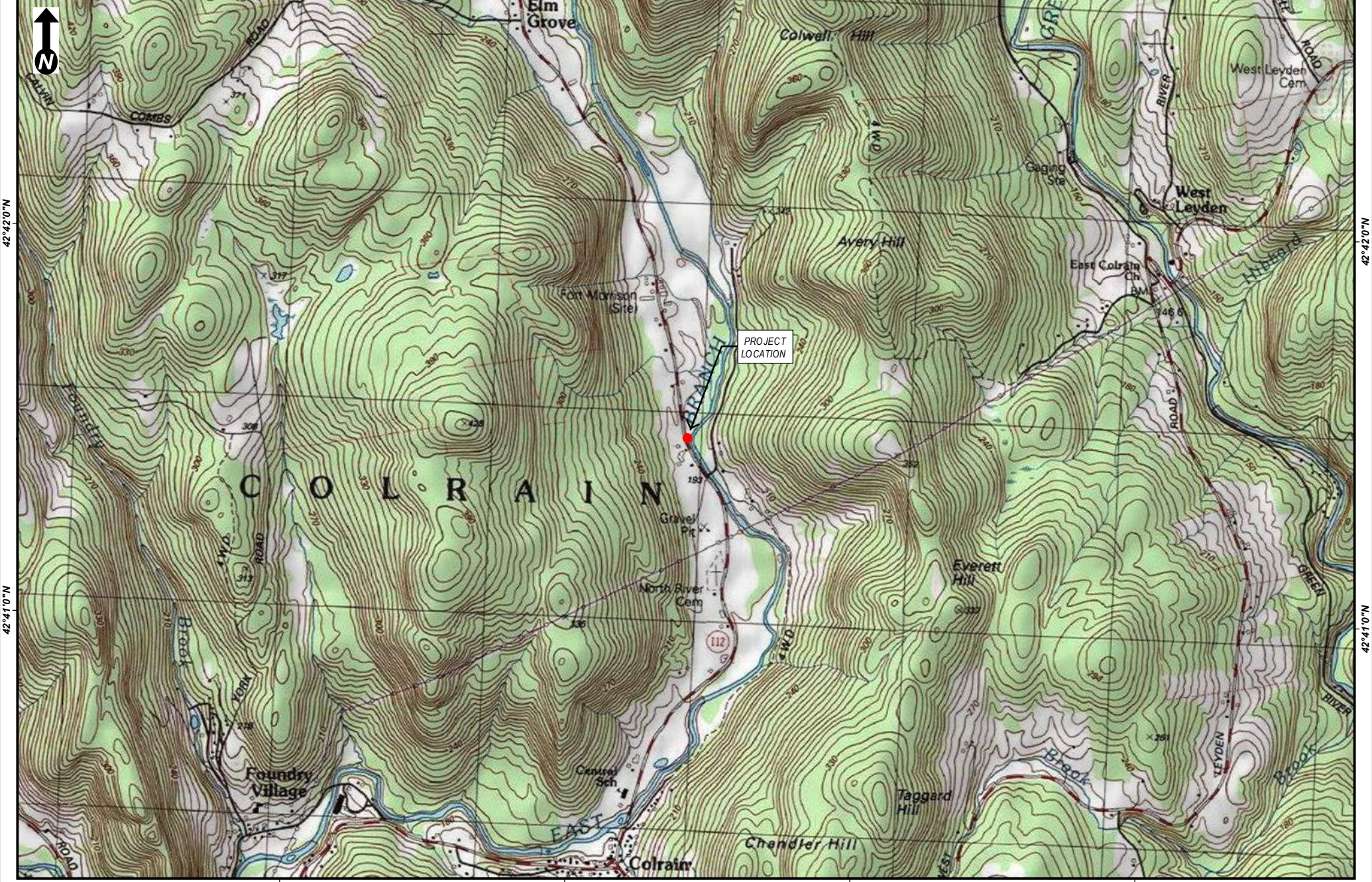
USGS SITE LOCUS MAP
ENVIRONMENTAL RESOURCES MAPS
SITE PLANS

72°43'0"W

72°42'0"W

72°41'0"W

72°40'0"W



42°42'0"N

42°41'0"N

42°42'0"N

42°41'0"N

72°43'0"W

72°42'0"W

72°41'0"W

72°40'0"W

Scale: 1:24,000
1 inch = 2,000 feet
0 1,000 2,000
Feet
(Page Size 8.5 x 11)

JACKSONVILLE ROAD EMBANKMENT FAILURE REPAIR PROJECT
USGS Site Location Map
Colrain, MA

Source: Copyright:©
2013 National
Geographic Society, i-
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Resource Areas Reviewed:
 MADEP Tier Classified Oil and/or Hazardous Material Sites (21E); MADEP Oil and/or Hazardous Material Sites with Activity and Use Limitations; Certified Vernal Pools; Potential Vernal Pools; NHESP Priority Habitats; NHESP Estimated Habitats; NHESP Restricted Data; Wild & Scenic Rivers; NHD Hydrography; Census 2000 Streams; MADEP Hydrologic Connections; MADEP Wetlands; FEMA 100yr Floodplain; NRCS Hydric Soils; Public Water Supply; Zone II Wellhead Protection Area; Interim Wellhead Protection Area; Surface Water Protection Zone; Outstanding Resource Water; Areas of Critical Environmental Concern; Watershed Protection Act Zones; Ch. 91 Tidelands Jurisdiction; Article 97 Land; Landfills ([Not]Capped, [Un]Lined, [In]Active, Closed)



Legend	
	Field Delineated Mean Annual High Water (MAHW)
	Field Delineated Ordinary High Water (OHW)
	Field Delineated Stream Area*
	MADEP Hydrologic Connections
	Coldwater Fisheries Resources
	MADEP Wetlands*
	MADEP Open Water*
	100ft Buffer to Wetlands & Streams
	200ft Riverfront Area
	FEMA Floodplain Digitized from FIRMETTE (1980)*
	NHESP Priority & Estimated Habitats
	Culvert

1 inch = 100 feet
 0 50 100
 Feet
 *Indicates Layers Set to Transparency

JACKSONVILLE ROAD EMBANKMENT FAILURE REPAIR PROJECT

Environmental Resources Map

Colrain, MA

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

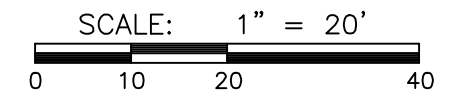



<u>INDEX</u>	
<u>SHEET NO.</u>	<u>DESCRIPTION</u>
1	INDEX
2	LOCUS MAP
3	EXISTING CONDITIONS
4	PHASE 1 - LOWER SLOPE STABILIZATION
5	PHASE 2 - UPPER SLOPE STABILIZATION
6	PROPOSED FINAL CONDITION
7	PROPOSED WALL ELEVATION
8	MA WPA IMPACTS

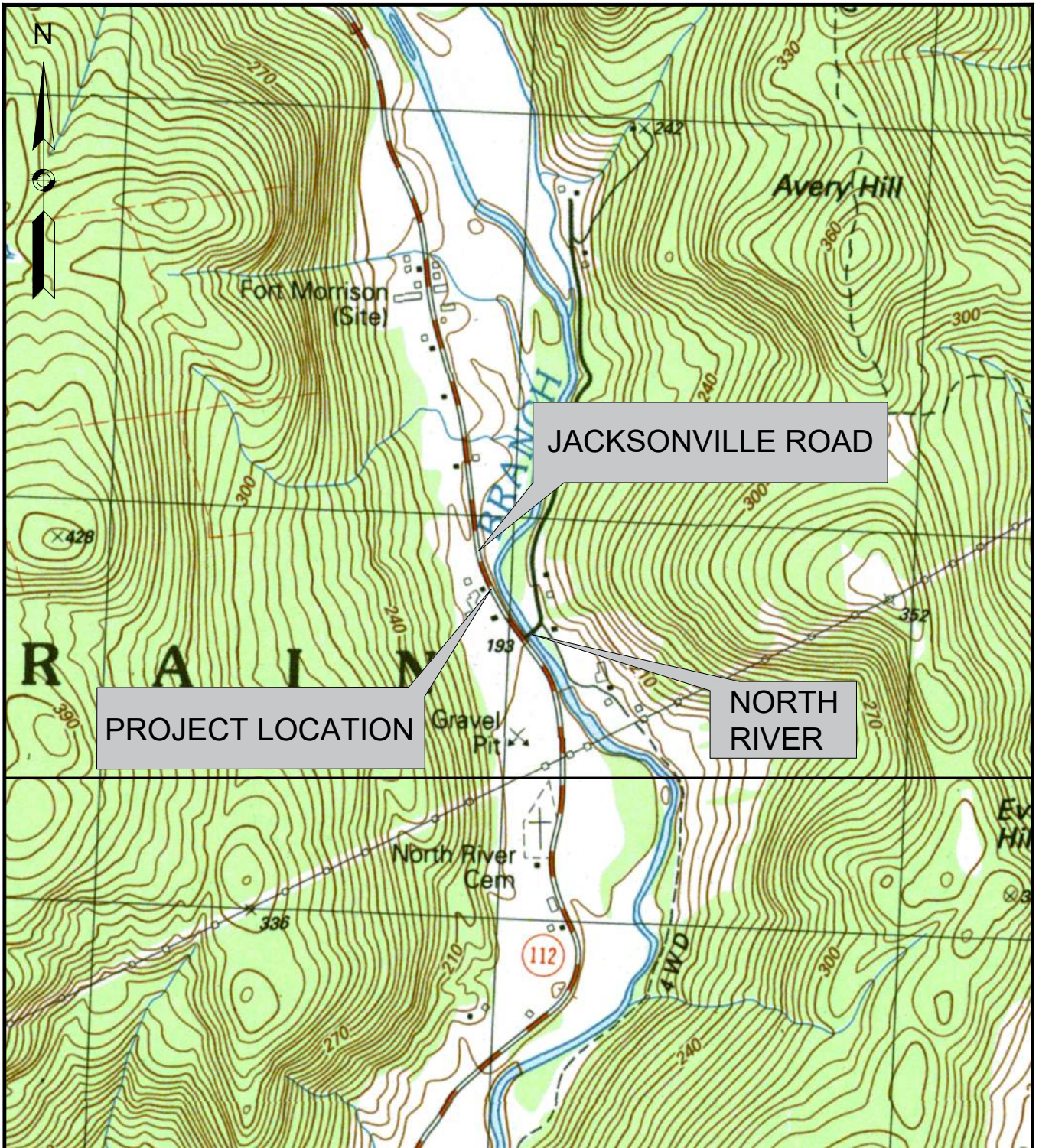
IMPACTS TO WETLAND AND WATERBODY RESOURCES AND WATERS OF THE UNITED STATES			
LAND UNDER WATERBODIES AND WATERWAYS (LUWW)	PERMANENT IMPACT	650	SF
	TEMPORARY IMPACT	406	SF
INLAND BANK	PERMANENT IMPACT	85	LF
	TEMPORARY IMPACT	0	LF
RIVERFRONT AREA IMPACTS (RFA)	PERMANENT IMPACT	1205	SF
	TEMPORARY IMPACT	5475	SF

NOTES:

- HORIZONTAL DATUM IS BASED OFF OF THE NORTH AMERICAN DATUM (NAD) 1983
- ELEVATIONS ARE REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88)

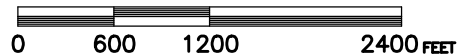


PREPARED FOR: TOWN OF COLRAIN 55 MAIN ROAD COLRAIN, MA 01340	INDEX	Job No.: <u>28498.00</u> Date: <u>08/29/2023</u> Scale: <u>N/A</u> Revised: _____ Description: <u>INDEX</u> Figure: <u>1 OF 8</u>	 803 Summer Street Boston, Massachusetts 02127 617 896 4300
	Source: SLOPE STABILIZATION JACKSONVILLE ROAD COLRAIN, MA FRANKLIN COUNTY		



LATITUDE: 42°41'26.4"N
 LONGITUDE: 72°41'34.6"W

SCALE: 1" = 1200'



PREPARED FOR:

TOWN OF COLRAIN
 55 MAIN ROAD
 COLRAIN, MA 01340

LOCUS MAP

Source:

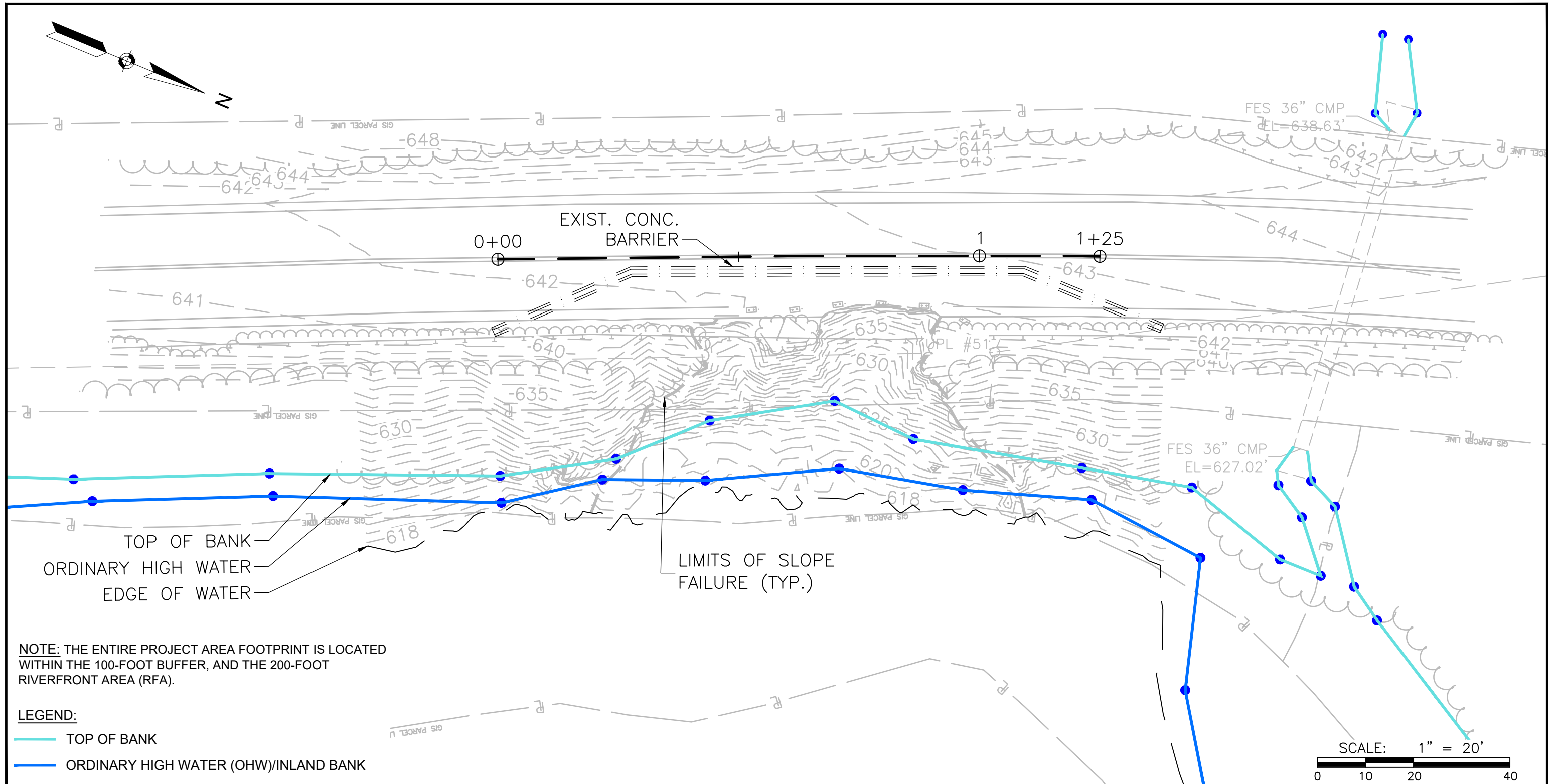
SLOPE STABILIZATION
 JACKSONVILLE ROAD
 COLRAIN, MA
 FRANKLIN COUNTY



803 Summer Street
 Boston, Massachusetts
 02127

617 896 4300

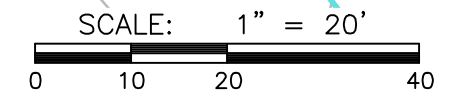
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Scale: 1"=1200'	Revised:
Dwg. No.: Locus	Figure: 2 OF 8




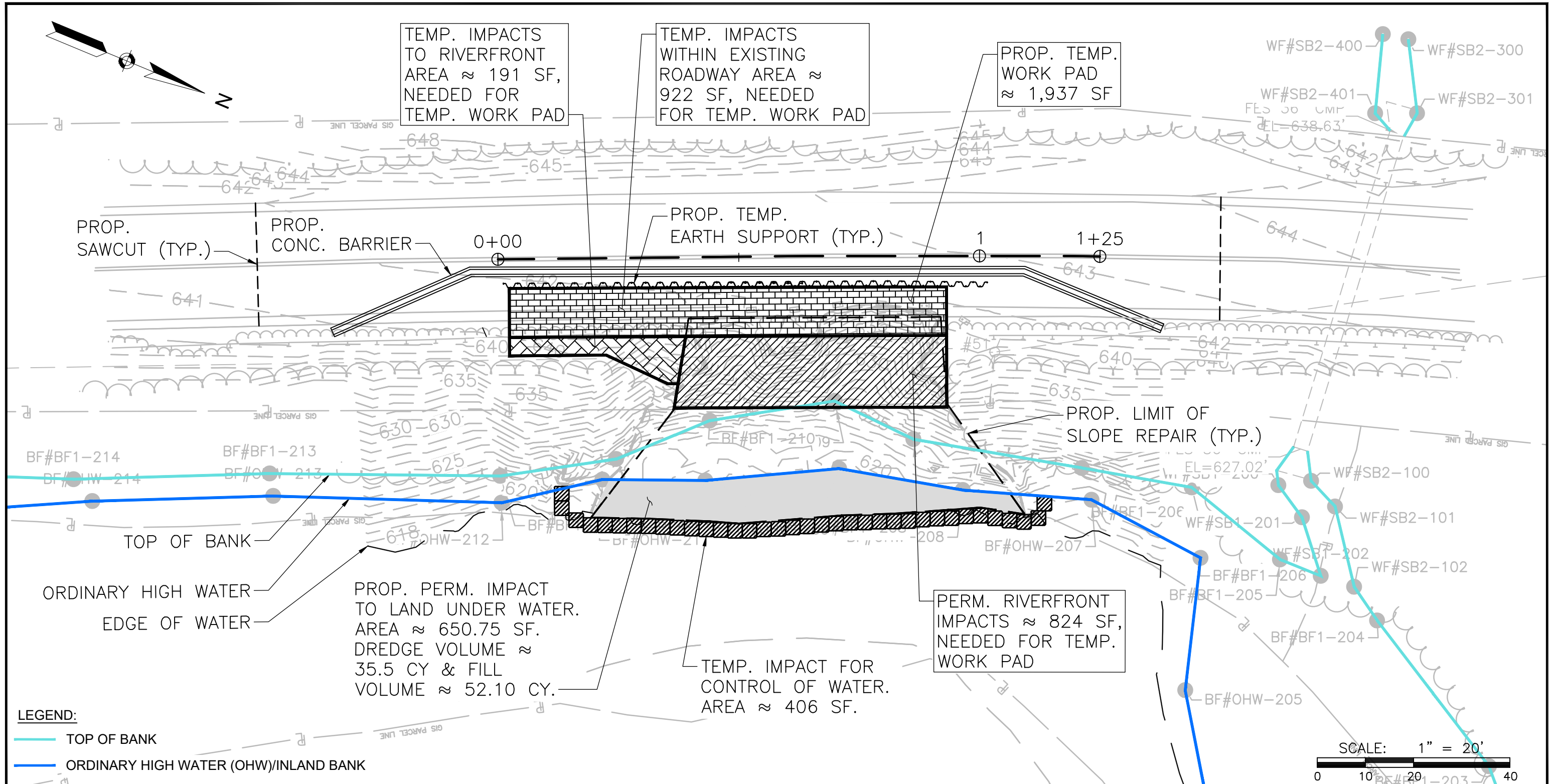
NOTE: THE ENTIRE PROJECT AREA FOOTPRINT IS LOCATED WITHIN THE 100-FOOT BUFFER, AND THE 200-FOOT RIVERFRONT AREA (RFA).

LEGEND:

- TOP OF BANK
- ORDINARY HIGH WATER (OHW)/INLAND BANK



PREPARED FOR: TOWN OF COLRAIN 55 MAIN ROAD COLRAIN, MA 01340	EXISTING CONDITIONS SLOPE STABILIZATION JACKSONVILLE ROAD COLRAIN, MA FRANKLIN COUNTY	Job No.: 28498.00 Date: 08/29/2023 Scale: N/A Revised: _____ Description: EX. COND Figure: 3 OF 8	 803 Summer Street Boston, Massachusetts 02127 617 896 4300
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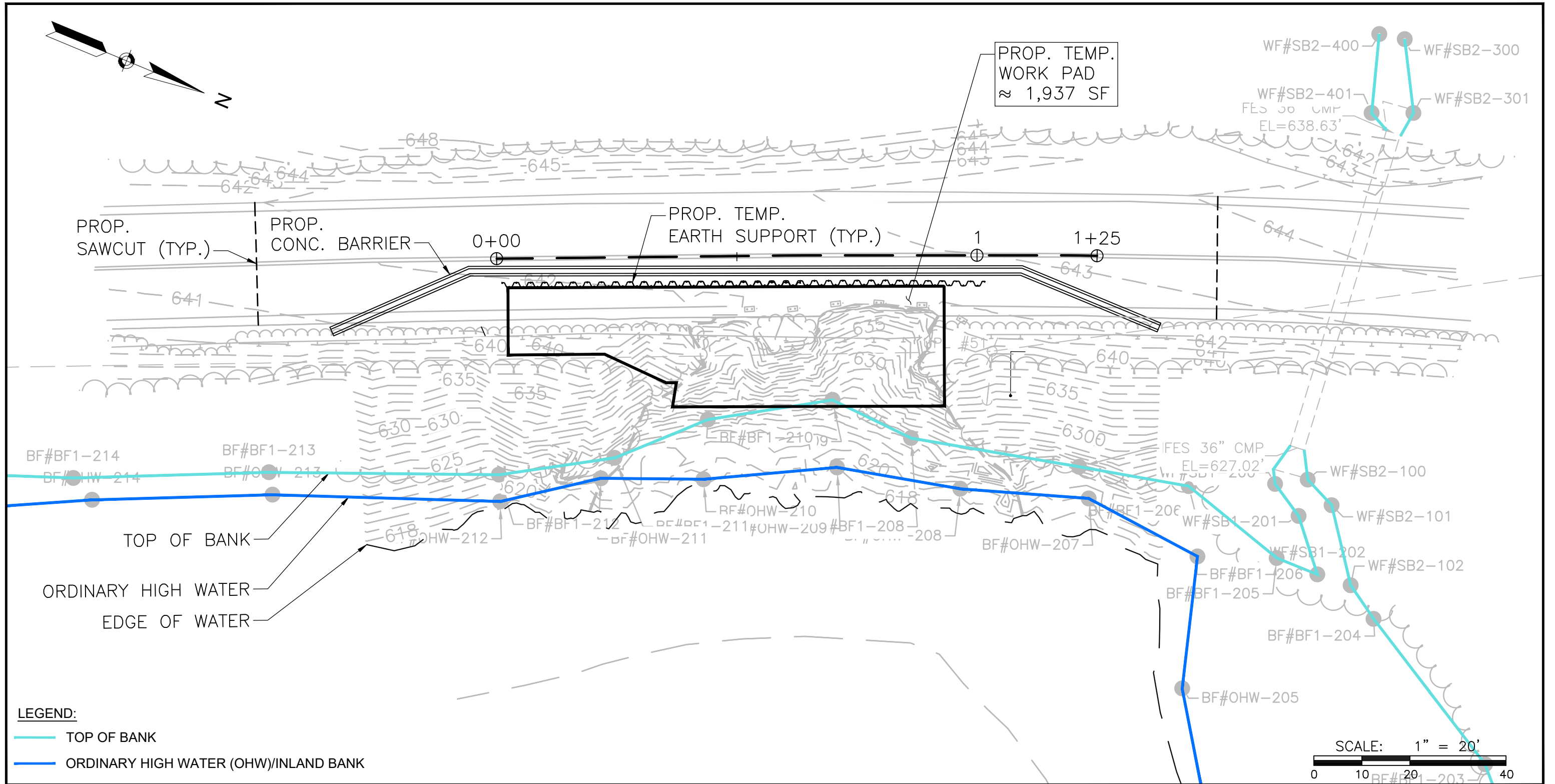
PREPARED FOR:
TOWN OF COLRAIN
 55 MAIN ROAD
 COLRAIN, MA 01340

PHASE 1 - LOWER SLOPE STABILIZATION

Source:
SLOPE STABILIZATION
 JACKSONVILLE ROAD
 COLRAIN, MA
 FRANKLIN COUNTY

Job No.: 28498.00 Date: 08/29/2023
 Scale: N/A Revised: _____
 Description: PHASE 1 Figure: 4 OF 8

BSC GROUP
 803 Summer Street
 Boston, Massachusetts
 02127
 617 896 4300



PREPARED FOR:

TOWN OF COLRAIN
55 MAIN ROAD
COLRAIN, MA 01340

Source: **PHASE 2 - UPPER SLOPE STABILIZATION**

SLOPE STABILIZATION
JACKSONVILLE ROAD
COLRAIN, MA
FRANKLIN COUNTY

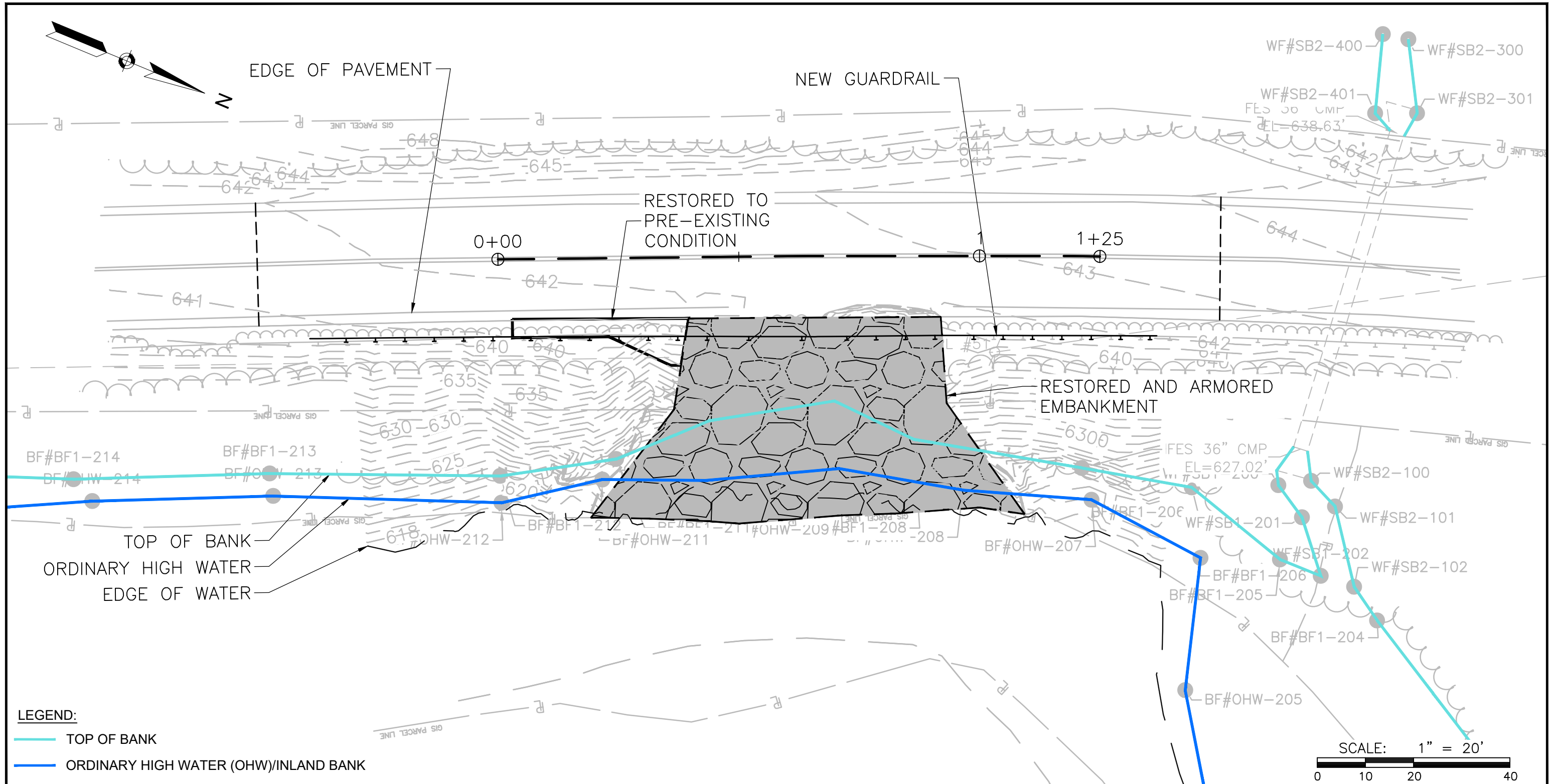
Job No.: 28498.00 Date: 08/29/2023

Scale: N/A Revised: _____

Description: PHASE 2 Figure: 5 OF 8

BSC GROUP

803 Summer Street
Boston, Massachusetts
02127
617 896 4300



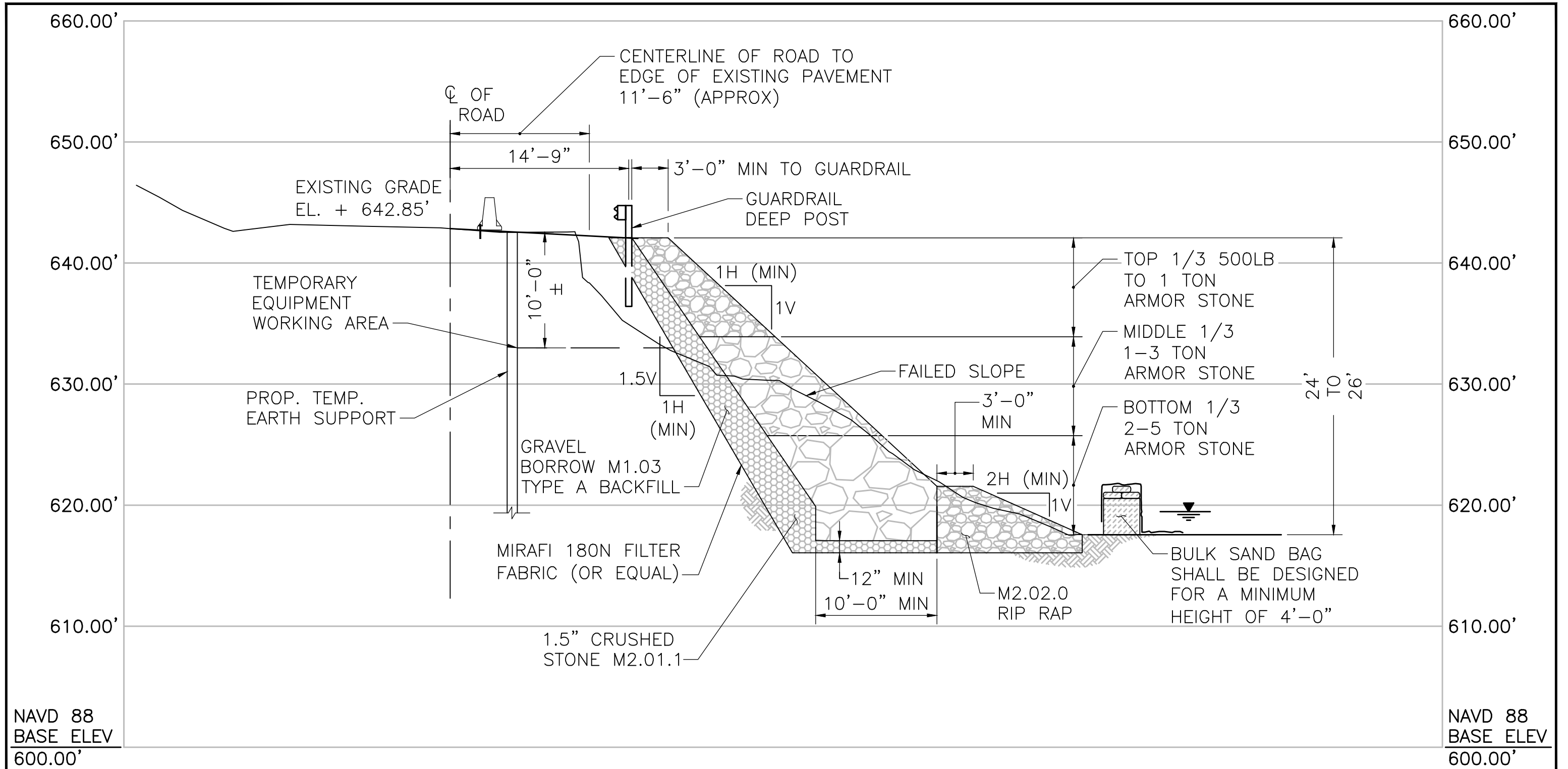
LEGEND:
 — TOP OF BANK
 — ORDINARY HIGH WATER (OHW)/INLAND BANK

PREPARED FOR:
 TOWN OF COLRAIN
 55 MAIN ROAD
 COLRAIN, MA 01340

PROPOSED FINAL CONDITION
 Source:
 SLOPE STABILIZATION
 JACKSONVILLE ROAD
 COLRAIN, MA
 FRANKLIN COUNTY

Job No.: 28498.00 Date: 08/29/2023
 Scale: N/A Revised: _____
 Description: PR Figure: 6 OF 8

BSC GROUP
 803 Summer Street
 Boston, Massachusetts
 02127
 617 896 4300



PREPARED FOR:

TOWN OF COLRAIN
55 MAIN ROAD
COLRAIN, MA 01340

PROPOSED WALL ELEVATION

Source:

SLOPE STABILIZATION
JACKSONVILLE ROAD
COLRAIN, MA
FRANKLIN COUNTY

Job No.: 28498.00 Date: 08/29/2023

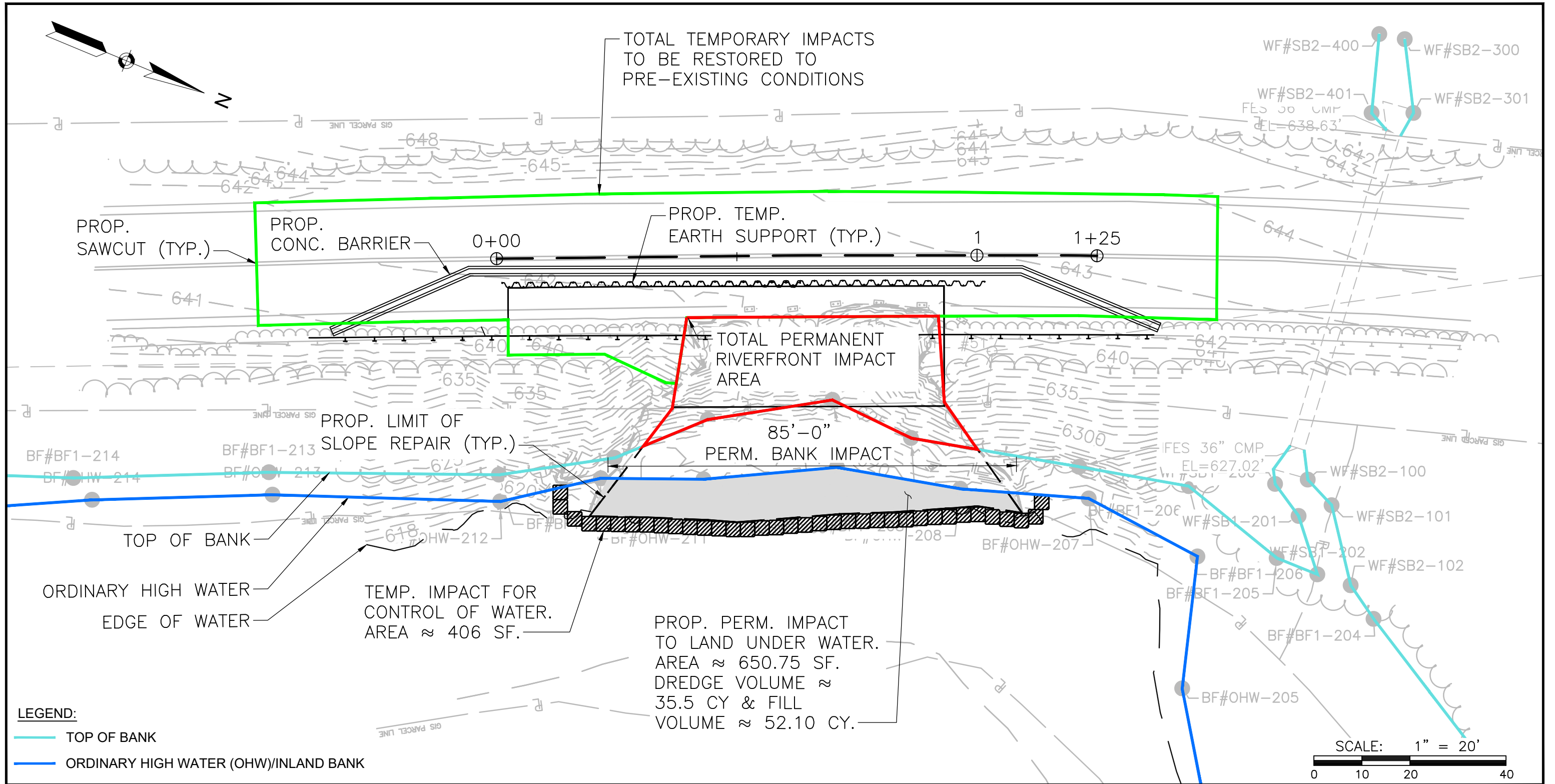
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Description: X. SEC. Figure: 7 OF 8



803 Summer Street
Boston, Massachusetts
02127

617 896 4300



LEGEND:

- TOP OF BANK
- ORDINARY HIGH WATER (OHW)/INLAND BANK

PREPARED FOR:
TOWN OF COLRAIN
 55 MAIN ROAD
 COLRAIN, MA 01340

Source:
MA WPA IMPACTS
 SLOPE STABILIZATION
 JACKSONVILLE ROAD
 COLRAIN, MA
 FRANKLIN COUNTY

Job No.: 28498.00 Date: 08/29/2023
 Scale: N/A Revised: _____
 Description: IMPACTS Figure: 8 OF 8

BSC GROUP
 803 Summer Street
 Boston, Massachusetts
 02127
 617 896 4300

Attachment C

Jacksonville Road Embankment Failure Repair Project
Colrain, Massachusetts
Notice of Intent

REPRESENTATIVE PHOTOGRAPHS



Photo #1: View of the Jacksonville Road which has one lane closed as a result of the embankment failure. *Facing northwest.*



Photo #2: View of the collapsed section of the embankment. *Facing north.*



Photo #3: Another view of the collapsed embankment. The soil around the posts of the guardrails is completely gone. *Facing southeast.*



Photo #4: View of the collapsed embankment from below. *Facing west.*



Photo #5: View of the embankment upstream of the collapsed section. *Facing north.*



Photo #6: View of the embankment downstream of the collapsed section. *Facing southeast.*



Photo #7: View of the river upstream of the collapsed section of the embankment. *Facing northeast.*



Photo #8: View of the entire exposed area resulting from the embankment failure. *Facing south.*



Photo #9: View of the exposed area resulting from the embankment failure. *Facing northwest.*

Attachment D

Jacksonville Road Embankment Failure Repair Project
Colrain, Massachusetts
Notice of Intent

**ABUTTER NOTIFICATION LETTER
CERTIFIED LIST OF ABUTTERS**

**BOARD OF ASSESSORS
TOWN OF COLRAIN**

55 Main Rd.
Colrain, MA 01340

Nicholas Anzuoni, Chairman
James Slowinski, Assessor
Dwight Harrison, Assessor

Alice Wozniak, Director of Assessing
Phone: (413) 624-3356
Fax: (413) 624-8852

**CERTIFIED LIST OF ABUTTERS
"PARTIES IN INTEREST"**

SUBJECT PROPERTY MAP + LOT	LOCATION OF SUBJECT PROPERTIES	OWNERS AND MAILING ADDRESSES
1.) Map 131, Lot 4	Jacksonville Rd. Colrain, MA	Casa Bonum, LLC 73 Rhododendron Dr. Stony Brook, NY 11790 REQUESTOR: Amanda Smith BSC Group, Inc. 1 Mercantile St. Suite #610 Worcester, MA 01608

PLEASE SEE ATTACHED LIST OF DIRECT ABUTTERS

Per the Assessors records we certify that the attached list of persons are abutters of record within 100 feet of the subject property.

To the best of our knowledge, this list represents the most current owners of the properties. The accuracy of this listing is based solely on the information currently available in our database.

July 11, 2023

Date: _____



Alice Wozniak, MAA
Director of Assessing



100 feet Abutters List Report

Colrain, MA
July 12, 2023

Subject Property:

Parcel Number: 1310-0004-00000
CAMA Number: 1310-0004-00000
Property Address: JACKSONVILLE RD

Mailing Address: CASA BONUM, LLC
73 RHODODENDRON DR.
STONY BROOK, NY 11790

Abutters:

Parcel Number: 1300-0005-00000
CAMA Number: 1300-0005-00000
Property Address: JACKSONVILLE RD

Mailing Address: CASA BONUM, LLC
73 RHODODENDRON DR.
STONY BROOK, NY 11790

Parcel Number: 1300-0007-00000
CAMA Number: 1300-0007-00000
Property Address: 14 ROBERTS LN

Mailing Address: ROBERTS INVESMENT TRUST
ROBERTS DEANE & PATRICIA, TRUS
14 ROBERTS LANE
COLRAIN, MA 01340

Parcel Number: 1300-0008-00000
CAMA Number: 1300-0008-00000
Property Address: JACKSONVILLE RD

Mailing Address: CASA BONUM, LLC
73 RHODODENDRON DR.
STONY BROOK, NY 11790

Parcel Number: 1310-0001-00000
CAMA Number: 1310-0001-00000
Property Address: 140 JACKSONVILLE RD

Mailing Address: GABAREE JEREMY S
PO BOX 83
COLRAIN, MA 01340

Parcel Number: 1310-0002-00000
CAMA Number: 1310-0002-00000
Property Address: 146 JACKSONVILLE RD

Mailing Address: CASA BONUM, LLC
73 RHODODENDRON DR.
STONY BROOK, NY 11790

Parcel Number: 1310-0003-00000
CAMA Number: 1310-0003-00000
Property Address: JACKSONVILLE RD

Mailing Address: CASA BONUM, LLC
73 RHODODENDRON DR.
STONY BROOK, NY 11790

Parcel Number: 1310-0005-00000
CAMA Number: 1310-0005-00000
Property Address: REILS LN

Mailing Address: ROBERTS INVESMENT TRUST
ROBERTS DEANE & PATRICIA, TRUS
14 ROBERTS LANE
COLRAIN, MA 01340

Parcel Number: 1310-0006-00000
CAMA Number: 1310-0006-00000
Property Address: REILS BRIDGE

Mailing Address: DONELSON RUSSELL E & CARMEN F
61 SUMNER STETSON RD
COLRAIN, MA 01340



www.cai-tech.com

Data shown on this report is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this report.

Notification to Abutters

By Hand Delivery, Certified Mail (return receipt requested), or Certificates of Mailing

This is a notification required by law. You are receiving this notification because you have been identified as the owner of land abutting another parcel of land for which certain activities are proposed. Those activities require a permit under the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40).

In accordance with the second paragraph of the Massachusetts Wetlands Protection Act, and 310 CMR 10.05(4)(a) of the Wetlands Regulations, you are hereby notified that:

- A. A Notice of Intent was filed with the Colrain Conservation Commission on 10/10/2023 seeking permission to remove, fill, dredge, or alter an area subject to protection under M.G.L. c. 131 §40. The following is a description of the proposed activity/activities:

BSC Group, Inc. ("BSC") is filing this Notice of Intent ("NOI") on behalf of the Town of Colrain, to repair Jacksonville Road and the associated embankment failure along the North River in Colrain, MA

- B. The name of the applicant is: Town of Colrain
- C. The address of the land where the activity is proposed is: Jacksonville Road, Map 131 Parcel 004.
- D. Copies of the Notice of Intent may be examined or obtained at the office of the Colrain Conservation Commission, located at 55 Main Road, Colrain, MA 01340. The regular business hours of the Commission are Monday 11:00 am - 3:00 pm, and the Commission may be reached at 413-624-3356.
- E. Copies of the Notice of Intent may be obtained from the applicant or their representative by calling Paul Martin, representative at (617) 896-4325. An administrative fee may be applied for providing copies of the NOI and plans.
- F. Information regarding the date, time, and location of the public hearing regarding the Notice of Intent may be obtained from the Colrain Conservation Commission. Notice of the public hearing will be published at least five business days in advance, in the Recorder.

Notification provided pursuant to the above requirement does not automatically confer standing to the recipient to request Departmental Action for the underlying matter. See 310 CMR 10.05(7)(a)4.

U.S. Army Corps of Engineers

SECTION 404 GENERAL PERMIT #9

Department of the Army
General Permits for the Commonwealth of Massachusetts

The New England District of the U.S. Army Corps of Engineers (USACE) hereby issues twenty-five (25) regional general permits (GPs) for activities subject to USACE jurisdiction in waters of the U.S., including wetlands, navigable waters within the Commonwealth of Massachusetts and adjacent ocean waters to the seaward limit of the outer continental shelf. The Massachusetts GPs (hereafter referred to as the MA GP or GP) are issued in accordance with USACE regulations at 33 CFR 320 – 332 [see 33 CFR 325.5(c)(1)]. These GPs establish criteria and contain permit conditions to ensure that the authorized activities have no more than minimal individual and cumulative adverse impacts to the environment.

This document contains the following sections:

Pages

SECTION I	Statutory Authorities & Regulated Activities	2
SECTION II	Review Categories & Application Procedures	3-7
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APPENDIX D	Pre-Construction Notification Application Checklist	82-88

In issuing these GPs, the Federal Government does not assume any liability for the following: (a) damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes; (b) damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the U.S. in the public interest; (c) damages to persons, property or to other permitted or unpermitted activities or structures caused by the activity authorized by any of the GPs; (d) design or construction deficiencies associated with the permitted work; or (e) damage claims associated with any future modification, suspension or revocation of these permits.

Tammy R. Turley 02 June 2023

Tammy R. Turley Date
Chief, Regulatory Division

SECTION I. STATUTORY AUTHORITIES & REGULATED ACTIVITIES

1. Work Requiring USACE Authorization

- a. Section 10: Work and structures that are located in, over, under or that affect navigable waters of the United States (U.S.) (see 33 CFR 329). The USACE regulates these activities under section 10 of the Rivers and Harbors Act of 1899 (see 33 CFR 322).
- b. Section 404: The discharge of dredged or fill material into waters of the U.S (see 33 CFR 328). The USACE regulates these activities under Section 404 of the Clean Water Act (CWA). The term “discharge of dredged or fill material” also includes certain discharges resulting from excavation. Applicants should contact USACE to determine if a particular excavation discharge occurring within waters of the U.S., is a regulated activity. See 33 CFR 323.4 of the CWA for exempted activities.

For additional information on the limits of USACE jurisdiction, please see:

https://www.nae.usace.army.mil/Portals/74/docs/regulatory/JurisdictionalLimits/Jurisdictional_Limits_Brochure.pdf

2. Authority to Issue General Permits

- a. In accordance with 33 CFR 322.2(f), 325.2(e)(2), and 325.5(c), USACE may issue regional general permits authorizing activities under Section 10 of the RHA.
- b. In accordance with Section 404(e) of the CWA, 33 USC 1344(e), and 33 CFR 323.2(h), 325.2(e)(2), and 325.5(c), after notice and opportunity for public hearing, USACE may issue regional general permits for any category of activities involving discharges of dredged or fill material if the activities in such category are similar in nature, will cause only minimal adverse environmental effects when performed separately, and will only have minimal cumulative adverse effect on the environment.

3. Related Laws

33 CFR 320.3 includes a list of related laws including, but not limited to, Section 408 of the Rivers and Harbors Act of 1899, Section 401 of the Clean Water Act, Section 402 of the Clean Water Act, Section 307(c) of the Coastal Zone Management Act of 1972, Section 106 of the National Historic Preservation Act of 1966, Section 7 of the Endangered Species Act, the Fish and Wildlife Coordination Act of 1956, the Magnuson-Stevens Fishery Conservation and Management Act, the Fish and Wildlife Coordination Act, Section 302 of the Marine Protection, Research and Sanctuaries Act of 1972, Section 7(a) of the Wild and Scenic Rivers Act, the Golden Eagle Protection Act, and the Migratory Bird Treaty Act.

SECTION II. REVIEW CATEGORIES & APPLICATION PROCEDURES

To qualify under these GPs, the design, construction, and maintenance associated with each proposed activity must meet the terms and eligibility criteria listed in Section III, all applicable general conditions (GCs) in Section IV, and any specific mitigation requirements in Section V. Applicants should first review the GPs to see if a project is eligible for authorization under one or more of the GPs within this document. Any activity not specifically listed may still be eligible for authorization under these GPs; applicants are advised to contact USACE for specific eligibility determination.

Please note that these GPs allow for Self-Verification (SV) contingent upon meeting all criteria and with full adherence to all GCs. Projects that do not qualify for SV, may meet criteria for Pre-Construction Notification (PCN). Tables are provided under each activity, which outline criteria for SV and PCN. Activities that do not meet criteria for SV or PCN may require review as an Individual Permit (IP). Activities may require a PCN or IP as noted in Sections III and/or IV of this GP. Notwithstanding compliance with the terms of these GPs, USACE retains discretionary authority to require either PCN review or IP review on a case-by-case basis for any project based on concerns for the environment or for any of the other public interest factors found in 33 CFR 320.4(a). These GPs also do not replace or change those activities identified as exempt from USACE regulation (33 CFR 323.4).

1. Pre-Application Assistance

Prospective applicants may request a pre-application meeting to address any questions they may have. USACE may also request a pre-application meeting or additional information to facilitate review of the request. Pre-application meetings and/or site visits help streamline the authorization process by alerting the prospective applicant to potentially time-consuming factors that may arise during the evaluation of their project (e.g., avoidance, minimization and compensatory mitigation requirements, historic properties, endangered species, essential fish habitat, impacts to federal projects, and/or dredging of contaminated sediments).

To schedule a pre-application meeting, present questions, or if you need further assistance, please contact USACE at:

Email: cenae-r-ma@usace.army.mil (strongly preferred)

Phone: (978) 318-8338

Mail: U.S. Army Corps of Engineers
New England District
Regulatory Division, Massachusetts Section
696 Virginia Road
Concord, MA 01742

2. Submitting a Request

Please follow the procedures outlined in Sections II.2-5 when requesting an SV or applying for PCN authorization for activities covered by these GPs. The GPs are provided in Section III below. For SV-eligible projects, the Self-Verification Notification (SVN) must be submitted within 30 days of commencing work. Otherwise, a Pre-Construction Notification (PCN) must be submitted for work that is not SV-eligible. Please include appropriate drawings and attachments and submit your request using the mailbox identified in Section II.4 or II.5 below. USACE will promptly confirm receipt of your request and notify you in the event additional information is required. Guidance on

how to submit electronic correspondence is located on the NAE Regulatory website here: <https://www.nae.usace.army.mil/Missions/Regulatory/Submitting-Electronic-Correspondence>.

3. Local, State & Federal Approvals

Applicants are responsible for applying for and obtaining any required local, state, and federal permits or approvals. These must be obtained prior to the commencement of work in waters. Such authorizations may include a Water Quality Certification, a Coastal Zone Management Act consistency determination, and other approvals as noted below. Authorization under these GPs does not obviate the need for the permittee to obtain other Federal, State, or local permits, approvals, or authorizations required by law.

I. Water Quality Certification under Section 401 of the Federal Clean Water Act (33 USC 1341).

Applicants are responsible for determining the appropriate 401 Water quality Certification (WQC) requirements and submitting this information to the USACE at the time of their PCN application or when completing their SVN. Applicants that are unsure of whether their activity has been certified should contact MassDEP, or EPA Region 1 when the activity is located on tribal lands, for a determination. The 401 WQC requirement must be satisfied by acquiring one of the following WQCs from MassDEP (see GC 8):

General 401 WQC: The MassDEP issued a WQC on April 21, 2023 conditionally certifies all activities in GPs 1 – 24 eligible for SV and PCN so long as the activity is described in 314 CMR 9.03, and is not an activity described in 314 CMR 9.04, and so long as the activity meets all other requirements, terms and conditions of this WQC. The MassDEP WQC also conditionally certifies activities described in GP 25 so long as the activity meets all other conditions of the WQC. Emergency projects described in GP 25 must obtain an emergency certification or otherwise be authorized pursuant to 310 CMR 10.06, qualify under a Severe Weather Emergency Declaration pursuant to 310 CMR 10.06(8) issued by the MassDEP, or meet the requirements of 9.12(2) or (3) in order to be certified under the WQC

Applicants should refer to the following link to determine if their activity is eligible:

<https://www.nae.usace.army.mil/Missions/Regulatory/State-General-Permits/Massachusetts-General-Permit/>. If eligible, you must comply with all applicable WQC conditions. Activities listed in 314 CMR 9.03 that are not exempt from the Wetland Protection Act must have a valid Final Order of Conditions (OOC) or Final Restoration Order of Conditions pursuant to 310 CMR 10.00 to be eligible under the General 401 WQC.

Individual 401 WQC: In the event the proposed activity is not covered by the general WQC, applicants shall contact MassDEP and apply for an individual 401 WQC if their activity does not qualify for a General 401 WQC as outlined above. MassDEP may issue, waive, or deny the individual 401 WQC on a case-by-case basis. All activities listed in 314 CMR 9.04 must obtain an individual 401 WQC from MassDEP to be eligible under these GPs. When an Individual 401 WQC is required for *PCN activities*, the applicant shall submit their Individual 401 WQC application concurrently to MassDEP and the USACE to comply with 40 CFR 121.

Activities Proposed on Tribal Lands: When an activity is proposed on Tribal lands, the applicant shall refer to the general 401 WQCs granted by the Environmental Protection Agency (EPA), Region 1 on May 15, 2023. These 401 WQCs are located on the USACE Regulatory website: <https://www.nae.usace.army.mil/Missions/Regulatory/State-General-Permits/Massachusetts-General-Permit/>.

II. Coastal Zone Management Act Federal Consistency Concurrence pursuant to Section 307 of the CZMA of 1972, as amended.

Federal consistency concurrence is required for all activities located within the coastal zone, unless determined otherwise by the Massachusetts Office of Coastal Zone Management (MA CZM) (see GC 9). As applicable, this requirement must be satisfied by acquiring one of the following from the MA CZM:

General CZM Federal Consistency Concurrence (General Concurrence): MA CZM has granted General Concurrence for all SV and PCN activities for GPs 1-25 and this can be found at: <https://www.nae.usace.army.mil/Missions/Regulatory/State-General-Permits/Massachusetts-General-Permit/>. The applicant must obtain all applicable permits and approvals prior to the commencement of work in USACE jurisdiction (i.e., construction begins on site). For SVs, General Concurrence is automatically granted and no further action is required from the applicant. For PCNs, the USACE will coordinate with MA CZM to acquire General Concurrence as part of the PCN application review. During review of the PCN application, USACE may request additional information from the applicant to support CZM's evaluation of the activity.

Individual CZM Federal Consistency Concurrence (Individual Concurrence): In certain cases, MA CZM may elevate any GP activity 1-25 to require Individual Concurrence. The applicant must contact MA CZM and follow the procedures to obtain Individual Concurrence as determined appropriate by MA CZM.

The MA CZM program includes five regional offices that serve 78 coastal municipalities. The following map provides more information about these offices: <https://www.mass.gov/service-details/czm-regions-coastal-communities-and-coastal-zone-boundary>

III. Other Approvals: Approvals typically required in Massachusetts include, but are not limited to, a Chapter 91 Permit/License, Massachusetts Environmental Protection Act (MEPA) review, Wetlands Protection Act Order of Conditions, and/or Aquaculture Certification. *Applicants should also be aware that USACE may not be able to render a permit decision in the event the proposed activity is denied by another local, state and/or federal agency.*

4. Procedures for Self-Verification (SV) Eligible Projects

If the activity is eligible for an SV, the Self-Verification Notification (SVN) must be completed prior to the start of project construction and submitted to USACE within 30 days of commencing work. The purpose of the SVN is to provide applicants with a tool to assist them when determining if the activity as proposed is SV-eligible. The following GPs do not require submission of the SVN: GP 1 (SV #1), GP 3 (SV #2-3), GP 4 (SV #2), GP 11, GP 12 (note #2), GP 14 (see note), GP 15 (see note), and GP 24 (SV #3). **For the activities not listed above, the SVN must be completed prior to the start of work and be kept on site at all times during project construction.** The applicant shall not begin work for SV-eligible activities until they have completely verified the bulleted items below.

Digital submittals by email are **strongly encouraged** to facilitate the most efficient processing of the SVN submittal. Please communicate with USACE staff if you are unable to provide a digital copy. Addresses are cenae-r-ma-sv@usace.army.mil (email) or Regulatory Division, U.S. Army Corps of Engineers, New England District, 696 Virginia Road, Concord, MA 01742-2751 (mail).

Eligible SV Activities:

- Are subject to USACE jurisdiction (see GC 2); and
- Qualify for one or more of the GPs within this document (Section III); and
- Meet the GCs within this document (Section IV); and

- When required, are supported by a complete SVN (Appendix C); and
- Receive all other required local, State, and/or Federal approvals.

5. Procedures for Pre-Construction Notification (PCN) Eligible Projects

For activities that require a PCN, an application to and written authorization from USACE is required. *No work requiring a PCN may proceed until the applicant receives written authorization from USACE verifying that the activity is authorized.* The verification letter may include special conditions that the applicant must comply with. When possible, it is *highly* recommended that PCN application materials are submitted at least 90 days before the target start date to allow for USACE evaluation and any necessary agency consultations. PCN applications shall demonstrate in writing how the proposed activity complies with all GCs, as applicable to their activity.

Digital submittals by email are **strongly encouraged** to facilitate the most efficient processing of the PCN application. Please communicate with USACE staff if you are unable to provide a digital copy. Addresses are cenae-r-ma@usace.army.mil or Regulatory Division, U.S. Army Corps of Engineers, New England District, 696 Virginia Road, Concord, MA 01742-2751 (mail).

Eligible PCN Activities:

- Are subject to USACE jurisdiction (see GC 2); and
- Qualify for one or more of the GPs within this document (Section III); and
- Meet the GCs within this document (Section IV); and
- Comply with the Mitigation Standards within this document (Section V); and
- Are supported by a complete PCN document (Appendix B); and
- When required, are supported by the submittal of project information to the appropriate parties identified in Appendix A; and
- Receive all other required local, State, and/or Federal approvals.

6. Interagency Review Procedures

The USACE reserves the opportunity to coordinate PCN activities with Federal and State agencies to ensure that the proposed activity results in no more than a minimal impact to the aquatic environment. In some cases, USACE may require project modifications involving avoidance, minimization, and/or compensatory mitigation for unavoidable impacts to ensure the net effects of a project are minimal. The USACE determines, after review and coordination with the agencies and/or the applicant, if PCN applications:

- Meet the terms and conditions of the GP as proposed;
- Require additional information;
- Require avoidance, minimization, compensatory mitigation, construction sequencing, project modification, or other special conditions to avoid or minimize adverse impacts to the aquatic environment;
- Require individual permit review regardless of whether the terms and GCs of these GPs are met, based on concerns for the aquatic environment or any other factor of the public interest (see Section 9 below).

For activities requiring a PCN, the applicant must wait for written authorization from USACE before commencing activities in waters of the U.S. Beginning work for PCN required activities without a USACE written authorization is a violation of these GPs, and the terms and conditions of this document. The applicant may be subjected to an enforcement action by USACE and/or the Environmental Protection Agency (EPA).

7. Construction of Solid Fill Structures and Fills Along the Coastline or Baseline from Which the Territorial Sea is Measured.

Projects involving the construction of solid fill structures or discharge of fill that may extend beyond the coastline or the baseline from which the territorial sea is measured (i.e., mean low water) will require a PCN. The USACE will submit a description of the proposed work and a copy of the plans to the Solicitor, Department of the Interior, Washington, DC 20240, and request comments concerning the effects of the proposed work on the outer continental rights of the United States. These comments will be included in the administrative record of the application. After completion of permit review, the record will be forwarded to the Chief of Engineers. The decision on the application will be made by the Secretary of the Army after coordination with the Attorney General.

8. Emergency Activities

Per 33 CFR 325.2(e)(4), an emergency is limited to a situation that would result in an unacceptable hazard to life, a significant loss of property, or an immediate, unforeseen, and significant economic hardship if corrective action requiring a permit is not undertaken within a time period less than the normal time needed to process an application under standard procedures. Emergency work shall be limited to that which is necessary to stabilize and secure the situation. Additional work needed for final repairs shall not be completed until approval is obtained through the appropriate, non-emergency process. Emergency work is subject to the same terms and conditions of these GPs as non-emergency work, and similarly, must qualify for authorization under these GPs; otherwise, an IP is required. *See GP 25 Emergency Situations for additional information.*

9. Individual Permit

Projects that do not meet the terms and conditions of this GP may require review as an IP (33 CFR 325.5 (b)). Proposed work in this category will require a separate Federal application for an individual permit from USACE (33 CFR 325.1). In addition, USACE retains discretionary authority on a case-by-case basis to elevate GP-eligible activities to an IP based on concerns for the environment or any other factor of the public interest (33 CFR 320.4 (a)). Applicants are required to submit the appropriate application materials directly to USACE as early as possible to expedite the permit review process. General information and application forms can be obtained at our website or by contacting our office at cenae-r-ma@usace.army.mil or (978) 318-8338. Individual 401 WQC and/or CZMA Federal consistency concurrence from the appropriate MA agencies are required before USACE can issue an individual permit. Applying for an IP does not relieve the applicant from their obligation to obtain all required Federal, State and/or local approvals.

10. Compliance

Applicants shall ensure compliance with all applicable GPs in Section III, GCs in Section IV, and any special conditions included in USACE verification letters. Noncompliance with these GPs, GCs, and special conditions may subject the applicant to criminal, civil, or administrative penalties, and/or an ordered restoration, and/or the permit may be modified, suspended or revoked by USACE. The USACE will consider any activity requiring USACE authorization to be noncompliant if that activity does not comply with all GP terms and conditions at all times, including while the project is under construction and when work is completed.

SECTION III. MASSACHUSETTS GENERAL PERMITS

Applicants are encouraged to review Sections I & II prior to submitting an application to confirm that the activity as proposed complies with all terms and conditions of the 2023 MA GPs.

Applicants are also encouraged to review the definitions in Section VII, Definitions & Acronyms, of this document. Several terms are frequently used throughout the GPs, and it is important for the reader to understand these terms. If seeking verification for an activity previously verified under the 2018 MA GPs, please contact the USACE to discuss permitting needs in advance of submitting an application.

General Permits

1. Aids to Navigation and Temporary Recreational Structures
2. Maintenance
3. Moorings
4. Structures in Navigable Waters of the U.S.
5. Boat Ramps and Marine Railways
6. Utility Lines, Oil or Natural Gas Pipelines, Outfall Or Intake Structures, and Appurtenant Features
7. Dredging, Disposal of Dredged Material, Beach Nourishment, Rock Removal and Rock Relocation
8. U.S. Coast Guard Approved Bridges
9. Bank and Shoreline Stabilization
10. Aquatic Habitat Restoration, Enhancement, and Establishment Activities
11. Fish and Wildlife Harvesting and Attraction Devices and Activities
12. Response Operations, Oil and Hazardous Substances
13. Cleanup of Hazardous and Toxic Waste
14. Scientific Measurement Devices
15. Survey Activities
16. Land and Water-Based Renewable Energy Generation Facilities and Hydropower Projects
17. Residential, Commercial and Institutional Developments, and Recreational Facilities
18. Aquaculture
19. Mining Activities
20. Living Shorelines
21. Agricultural Activities
22. Reshaping Existing Drainage Ditches, Construction of New Ditches, and Mosquito Management
23. Linear Transportation Projects and Wetland/Stream Crossings
24. Temporary Construction, Access, and Dewatering
25. Emergency Situations

GP 9. BANK AND SHORELINE STABILIZATION (Authorities: §10 & §404)

Bank stabilization activities necessary for erosion protection along the banks of lakes, ponds, streams, estuarine and ocean waters, and any other open waters. Includes bulkheads, seawalls, riprap, revetments, living seawalls, or slope protection & similar structures, specifically for the purpose of shoreline protection. This GP also authorizes temporary structures, fills, and work, including the use of temporary mats, necessary to conduct the activities above.

Activities must meet the following criteria: (a) No material is placed in excess of the minimum needed for erosion protection; (b) No material is of a type, or is placed in any location, or in any manner, that will impair surface water flow into or out of any waters of the U.S.; (c) No material is placed in a manner that will be eroded by normal or expected high flows (properly anchored native trees and treetops may be used in low energy areas); (d) Native plants appropriate for current site conditions, including salinity, must be used for bioengineering or vegetative bank stabilization; (e) The activity is not a stream channelization activity; and (f) The activity must be properly maintained, which may require repairing it after severe storms or erosion events. This GP authorizes those maintenance and repair activities if they require authorization. This GP also authorizes temporary structures, fills, and work, including the use of temporary mats, necessary to construct the bank stabilization activity. See GP 20 for living shoreline stabilization structures or fills.

Not authorized under GP 9 (IP required): (a) New bank stabilization >500 feet in total length (>1,000 linear feet in total length when necessary to protect transportation infrastructure) or permanent loss of saltmarsh >1,000 SF, unless the District Engineer waives this criterion by making a written determination concluding that the discharge of dredged or fill material will result in no more than minimal adverse environmental effects (an exception is for bulkheads – the district engineer cannot issue a waiver for a new bulkhead that is >1,000 feet in length along the bank); (b) Stream channelization or relocation activities; or (c) Breakwaters, groins or jetties.

Self-Verification Eligible

- 1. Activities in tidal and non-tidal waters that are:
 - a. <200 feet in length.
 - b. <400 feet in length when necessary to protect transportation infrastructure.
 - c. ≤1 cubic yard of fill per linear foot average along the bank waterward of the plane of OHW or HTL.
 - d. Not located in non-tidal wetlands, saltmarsh, vegetated shallows.

Pre-Construction Notification Required

- 1. Activities in tidal and non-tidal waters that are:
 - a. ≥200 feet to ≤500 feet in total length. Activities >500 feet in total length must have a written waiver from USACE.
 - b. ≥400 feet to ≤1,000 feet in total length when necessary to protect transportation infrastructure. Activities >1,000 feet in total length must have a written waiver from USACE.
 - c. >1 cubic yard of fill per linear foot average along the bank waterward of the plane of OHW or HTL.
 - d. Located in non-tidal wetlands, saltmarsh, vegetated shallows.
- 2. Activities with permanent loss of tidal or non-tidal waters that is (a) ≥5,000 SF or (b) ≥1,000 SF in mudflats and natural rocky habitat.
- 3. Activities that are (a) located in the Connecticut River or Merrimack River and/or (b) require installation of steel piles/steel sheet piles that cannot be done in the dry where NOAA ESA-listed species are mapped as present.
- 4. Activities on USACE properties & USACE-controlled easements.
- 5. Activities that require grouted riprap and/or poured/unformed concrete.
- 6. Activities that are not eligible for SV and do not require an IP.

Note: The applicant shall comply with GC 24. This includes utilization of bioengineering techniques in lieu of hard armoring to the maximum extent practicable as site conditions allow.

SECTION IV. GENERAL CONDITIONS:

To qualify for GP authorization, the applicant must comply with the following general conditions, as applicable, in addition to authorization-specific conditions imposed by the division or district engineer.

1. Other Permits
2. Federal Jurisdictional Boundaries
3. Single and Complete Projects
4. Use of Multiple General Permits
5. Suitable Material
6. Tribal Rights & Burial Sites
7. Avoidance, Minimization, and Compensatory Mitigation
8. Water Quality & Stormwater Management
9. Coastal Zone Management
10. Federal Threatened and Endangered Species
11. Essential Fish Habitat
12. National Lands
13. Wild and Scenic Rivers
14. Historic Properties
15. USACE Property and Federal Projects (§408)
16. Navigation
17. Permit/Authorization Letter On-Site
18. Storage of Seasonal Structures
19. Pile Driving and Pile Removal in Navigable Waters
20. Time of Year Restrictions
21. Heavy Equipment in Wetlands
22. Temporary Fill & Construction Mats
23. Restoration of Wetland Areas
24. Bank Stabilization
25. Soil Erosion and Sediment Controls
26. Aquatic Life Movements and Management of Water Flows
27. Spawning, Breeding, and Migratory Areas
28. Vernal Pools
29. Invasive Species
30. Fills Within 100-Year Floodplains
31. Stream Work and Crossings & Wetland Crossings
32. Utility Line Installation and Removal
33. Water Supply Intakes
34. Coral Reefs
35. Blasting
36. Inspections
37. Maintenance
38. Property Rights
39. Transfer of GP Verifications
40. Modification, Suspension, and Revocation
41. Special Conditions
42. False or Incomplete Information
43. Abandonment
44. Enforcement Cases
45. Previously Authorized Activities
46. Duration of Authorization

1. Other Permits. Authorization under these GPs does not obviate the need for the permittee to obtain other Federal, State, or local permits, approvals, or authorizations required by law. Permittees are responsible for obtaining all required permits, approvals, or authorizations. Activities that are not regulated by the State, but subject to USACE jurisdiction, may still be eligible for these GPs.

2. Federal Jurisdictional Boundaries.

a. Applicability of these GPs shall be evaluated with reference to Federal jurisdictional boundaries. Activities shall be evaluated with reference to “waters of the U.S.” under the CWA (33 CFR 328) and “navigable waters of the U.S.” under §10 of the Rivers and Harbors Act of 1899 (33 CFR 329).

Permittees are responsible for ensuring that the boundaries used satisfy the Federal criteria defined at 33 CFR 328-329. These sections prescribe the policy, practice, and procedures to be used in determining the extent of the USACE jurisdiction. Note: Waters of the U.S. includes all waters pursuant to 33 CFR 328.3(a), and adjacent wetlands as the term is defined in 33 CFR 328.3(c).

b. Wetlands shall be delineated in accordance with the USACE Wetlands Delineation Manual and the most recent Northcentral/Northeast Regional Supplement. Wetland delineation and jurisdiction information is located at: www.nae.usace.army.mil/missions/regulatory/jurisdiction-and-wetlands and maps are located at www.nae.usace.army.mil/missions/regulatory/state-general-permits/massachusetts-general-permit.

c. Vegetated shallows shall be delineated when present on the project site. Vegetated shallow survey guidance and maps are located at: www.nae.usace.army.mil/missions/regulatory/state-general-permits/massachusetts-general-permit.

d. Natural rocky habitats shall be delineated when present on the project site. The definition of natural rocky habitats is in Section VII of the MA GP. Natural rocky habitat survey guidance and maps are located at: www.nae.usace.army.mil/missions/regulatory/state-general-permits/massachusetts-general-permit.

3. Single and Complete Projects. The MA GP shall not be used for piecemeal work and shall be applied to single and complete projects. The term “single and complete project” is defined at 33 CFR 330.2(i) as the total project proposed or accomplished by one owner/developer or partnership or other association of owners/developers.

a. For non-linear projects, a single and complete project must have independent utility. Portions of a multi-phase project that depend upon other phases of the project do not have independent utility. Phases of a project that would be constructed, even if the other phases were not built, can be considered as separate single and complete projects with independent utility.

b. Unless USACE determines the activity has independent utility, all components of a single project and/or all planned phases of a multi-phased project (e.g., subdivisions should include all work such as roads, utilities, and lot development) shall be evaluated as one single and complete project.

c. For linear projects such as power lines or pipelines with multiple crossings, a “single and complete project” is all crossings of a single water of the U.S. (i.e., single waterbody) at a specific location. For linear projects crossing a single waterbody several times at separate and distant locations, each crossing is considered a single and complete project. However, individual channels in a braided stream or river, or individual arms of a large, irregularly shaped wetland or lake, etc., are not separate waterbodies, and crossings of such features cannot be considered separately. If any crossing requires a PCN review or an individual permit review, then the entire linear project shall be reviewed as one project under PCN or the individual permit procedures.

4. Use of Multiple General Permits. The use of more than one GP for a single and complete project is prohibited, except when the acreage loss of waters of the U.S. authorized by the GPs does not exceed the acreage limit of the GPs with the highest specified acreage limit. For example, if a road crossing over waters is constructed under GP 23, with an associated utility line

crossing authorized by GP 6, if the maximum acreage loss of waters of the U.S. for the total project is ≥ 1 acre it shall be evaluated as an IP.

5. Suitable Material & Discharge of Pollutants. No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). All activities involving any discharge into waters of the U.S. authorized under these GPs shall be consistent with applicable water quality standards, effluent limitations, standards of performance, prohibitions, and pretreatment standards and management practices established pursuant to the CWA (33 U.S.C. 1251), and applicable state and local laws. If applicable water quality standards, limitations, etc., are revised or modified during the term of this GP, the authorized work shall be modified to conform with these standards within six months from the effective date of such revision or modification, or within a longer period of time deemed reasonable by the District Engineer in consultation with the Regional Administrator of the EPA. Unless monitoring data indicates otherwise, applicants may presume that their activity complies with state water quality standards provided they are in compliance with the Section 401 WQC (Applicable only to the Section 404 activity).

6. Tribal Rights & Burial Sites

- a. For all SV and PCN applications, prospective permittees shall follow the guidance set forth in Appendix A, Guidance for NHPA Section 106 Compliance in Massachusetts.
- b. No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.
- c. Many tribal resources are not listed on the National Register of Historic Places (NRHP) and may require identification and evaluation in collaboration with the identifying tribe and by qualified professionals. The Tribal Historic Preservation Officer (THPO) and State Historic Preservation Officer (SHPO) may be able to assist with locating information on:
 - i. Previously identified tribal resources; and
 - ii. Areas with potential for the presence of tribal resources.
- d. Discovery of Previously Unknown Remains and Artifacts: If any previously unidentified human remains, cultural deposits, or artifacts are discovered while accomplishing the activity authorized by this permit, you must immediately notify the USACE of what you have found, and to the maximum extent practicable, cease work and avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The USACE will initiate the appropriate the Federal, Tribal, and state coordination required to determine if the items or remains are eligible for listing in the NRHP and warrant a recovery effort or can be avoided.
- e. Burial Sites: Burial sites, marked or unmarked, are subject to state law (Massachusetts Unmarked Burial Law). Native American burial sites on federal or tribal land are subject to the provisions of Native American Graves Protection and Repatriation Act (NAGPRA). Regulated activities may not result in disturbance or removal of human remains until disposition of the remains has been determined by the appropriate authority under these laws, and the work is authorized by the USACE. Regulated activities which result in an inadvertent discovery of human remains must stop immediately, and the USACE, as well as the appropriate state and tribal authority, must be notified. Regulated work at inadvertent discovery sites requires compliance with state law or NAGPRA, as appropriate, prior to re-starting work.

7. Avoidance, Minimization, and Compensatory Mitigation. To qualify under the MA GP, activities must comply with Section V Mitigation Standards and the following as applicable:

- a. Avoid and Minimize: Activities must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the U.S. to the maximum extent practicable at the project site. Avoidance and minimization are required to the extent necessary to ensure that the adverse effects to the aquatic environment (both area and function) are no more than minimal.

- b. Compensatory mitigation for unavoidable impacts to waters of the U.S., including direct, indirect, secondary, and temporal loss, will generally be required for permanent impacts that exceed the thresholds identified in Section V, and may be required for temporary impacts, to offset unavoidable impacts which remain after all appropriate and practicable avoidance and minimization has been achieved and to ensure that the adverse effects to the aquatic environment are no more than minimal. Proactive restoration projects or temporary impact work with no secondary effects may generally be excluded from this requirement.
- c. Mitigation proposals shall follow the guidelines found in the Compensatory Mitigation for Losses of Aquatic Resources; Final Rule April 10, 2008; 33 CFR 332. Prospective permittees may purchase mitigation credits in-lieu of permittee-responsible mitigation as compensation for unavoidable impacts to waters of the U.S. in the Commonwealth of Massachusetts.

8. Water Quality & Stormwater Management. The 401 WQC requirement applies to all activities listed under GPs 1-25, unless determined otherwise by MassDEP. Permittees shall also satisfy stormwater management requirements in Massachusetts.

- a. General 401 WQC: MassDEP issued a WQC on April 21, 2023 which conditionally certifies all activities in GPs 1 – 24 eligible for SV and PCN so long as the activity is described in 314 CMR 9.03, and is not an activity described in 314 CMR 9.04, and so long as the activity meets all other requirements, terms and conditions of the WQC. The MassDEP WQC also conditionally certifies activities described in GP 25 so long as the activity meets all other conditions of the WQC. Emergency projects described in GP 25 must obtain an emergency certification or otherwise be authorized pursuant to 310 CMR 10.06, qualify under a Severe Weather Emergency Declaration pursuant to 310 CMR 10.06(8) issued by the MassDEP, or meet the requirements of 9.12(2) or (3) in order to be certified under the WQC. Prospective permittees may refer to the following link to determine if their activity is eligible: <https://www.nae.usace.army.mil/Missions/Regulatory/State-General-Permits/Massachusetts-General-Permit/>. The General 401 WQC is located here, and it provides detailed information regarding what activities are certified and the conditions for certification. Activities listed in 314 CMR 9.03 that are not exempt from the Wetland Protection Act must have a valid Final Order of Conditions (OOC) or Final Restoration Order of Conditions pursuant to 310 CMR 10.00 to be eligible under the General 401 WQC.
- b. Individual 401 WQC: Prospective permittees shall contact MassDEP and apply for an individual 401 WQC if their activity does not qualify for a General 401 WQC as outlined above. MassDEP may issue, waive, or deny the individual 401 WQC on a case-by-case basis. All activities listed in 314 CMR 9.04 must obtain an individual 401 WQC from MassDEP to be eligible under these GPs. When an Individual 401 WQC is required for *PCN activities*, the prospective permittee shall submit their Individual 401 WQC application concurrently to MassDEP and USACE to comply with 40 CFR 121.
- c. The prospective permittee is responsible for determining the appropriate 401 WQC requirement and submitting this information to the USACE at the time of their PCN application or when completing their SVN. Prospective permittees that are unsure of whether their activity has been certified should contact MassDEP for a determination.
- d. As applicable, all activities shall be compliant with the Massachusetts Stormwater Handbook. The Stormwater Handbook can be accessed on the NAE Regulatory website here: <https://www.nae.usace.army.mil/Missions/Regulatory/State-General-Permits/Massachusetts-General-Permit/>.
- e. No work requiring authorization under Section 404 of the CWA may be performed unless (1) the prospective permittee qualifies for coverage under the April 21, 2023 General 401 WQC, (2) the prospective permittee receives an individual Section 401 WQC from the MassDEP, or (3) the MassDEP waives individual Section 401 WQC.

9. Coastal Zone Management. The permittee must obtain CZM consistency concurrence when an activity is located in the coastal zone in order to be eligible under the MA GP. This requirement

shall be satisfied by acquiring one of the following from the Massachusetts Office of Coastal Zone Management (MA CZM):

- a. General CZM Federal Consistency Concurrence (General Concurrence): MA CZM has granted General Concurrence for all SV and PCN activities for GPs 1-25. The prospective permittee must obtain all applicable permits and approvals before construction of the authorized activity begins (e.g., before work begins on site). For SVs, General Concurrence is automatically granted and no further action is required from the prospective permittee. For PCNs, the USACE will coordinate with MA CZM to acquire General Concurrence as part of the PCN application review.
- b. Individual CZM Federal Consistency Concurrence (Individual Concurrence): In certain cases, MA CZM may elevate any GP activity 1-25 and require Individual Concurrence. The prospective permittee must contact MA CZM and follow the procedures to obtain Individual Concurrence as determined appropriate by MA CZM.
- c. Permittees must obtain CZM consistency concurrence as outlined above before commencing work authorized under these GPs.

10. Federal Threatened and Endangered Species

- a. No activity is authorized under any GP which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify designated critical habitat or critical habitat proposed for such designation. No activity is authorized under any GP which “may affect” a listed species or critical habitat, unless ESA section 7 consultation addressing the consequences of the proposed activity on listed species or critical habitat has been completed. See 50 CFR 402.02 for the definition of “effects of the action” for the purposes of ESA section 7 consultation, as well as 50 CFR 402.17, which provides further explanation under ESA section 7 regarding “activities that are reasonably certain to occur” and “consequences caused by the proposed action.”
- b. Other Federal agencies should follow their own procedures for complying with the requirements of the ESA (see 33 CFR 330.4(f)(1)). If a PCN is required for the proposed activity, the Federal permittee must provide USACE with the appropriate documentation to demonstrate compliance with those requirements. The USACE will verify that the appropriate documentation has been submitted. If the appropriate documentation has not been submitted, additional ESA section 7 consultation may be necessary for the activity and the respective federal agency would be responsible for fulfilling its obligation under section 7 of the ESA.
- c. USFWS ESA-Listed Species: Non-federal applicants shall use the USFWS website, Information for Planning and Consultation (IPAC), to determine if their activity is located within the ESA-listed species range. The IPAC website can be accessed on the NAE Regulatory website: <https://www.nae.usace.army.mil/Missions/Regulatory/State-General-Permits/Massachusetts-General-Permit/>. Applicants shall ensure they have an updated, valid species list before construction begins. This may require applicants to update their species list in IPAC before the start of construction. Note: Applicants should refer to the NAE Regulatory Website at the link above to determine if they have been designated as a non-federal representative. Applicants shall complete Section 7 consultation according to the guidance document located on the NAE Regulatory Website. After completing the Rangewide Determination Key and reaching the outcome “may affect, not likely to adversely affect”, you may be required to wait up to 15 days before that outcome is final and compliance under Section 7 of the ESA is fulfilled.
 - i. Self-Verification Criteria: The activity is SV-eligible if:
 - 1) The activity is not located within the ESA-listed species range;
 - 2) Another (lead) Federal agency has completed Section 7 consultation; or
 - 3) The activity is located within the ESA-listed species range and USACE has designated the applicant as a non-federal representative under 50 CFR 402.08 of the ESA for all

species within the project's action area. As the non-federal representative, the applicant shall complete consultation through IPAC and reach the outcome of "no effect" or "not likely to adversely affect".

ii. *Pre-Construction Notification Criteria*: The activity requires a PCN if:

- 1) The activity is located within the ESA-listed species range and USACE has NOT designated the applicant as a non-federal representative under 50 CFR 402.08 of the ESA for all species within the project's action area;
- 2) The activity is located in designated or proposed critical habitat; or
- 3) The activity is located within the ESA-listed species range and completion of the IPAC determination key has resulted in the outcome of "may affect" or "may affect, likely to adversely affect"; or
- 4) A PCN is required elsewhere in this document.

d. NOAA-Listed Species: Non-federal applicants shall refer to the Section 7 Mapper for federally listed species to determine if any species are mapped as present. When NOAA-listed species are present, the applicant shall generate a species report through the mapper and submit this document as part of their PCN or SVN submission. The NOAA Fisheries' Section 7 Mapper can be accessed here on the NAE Regulatory website here: <https://www.nae.usace.army.mil/Missions/Regulatory/State-General-Permits/Massachusetts-General-Permit/>.

e. Authorization of an activity by an GP does not authorize the "take" of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, etc.) from the FWS or the NMFS, the Endangered Species Act prohibits any person subject to the jurisdiction of the United States to take a listed species, where "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The word "harm" in the definition of "take" means an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.

11. Essential Fish Habitat (EFH).

a. SV eligible activities have been determined to result in no more than minimal adverse effects, provided the permittee complies with all terms and conditions of the MA GP as applicable to the activity. NMFS has granted General Concurrence [50 CFR 600.920(g)] for all SV eligible activities. These activities do not require project specific EFH consultation.

b. For PCN required activities, the applicant is required to describe and identify potential adverse effects to EFH and should refer to NOAA Fisheries' EFH Mapper (<http://www.fisheries.noaa.gov/resource/map/essential-fish-habitat-mapper>) and Omnibus Essential Fish Habitat Amendment 2 Volume 2: EFH and HAPC Designation Alternatives and Environmental Impacts (https://www.habitat.noaa.gov/application/efhmapper/oa2_efh_hapc.pdf). If an activity is located within EFH, the PCN application must contain:

1. A description of the action located in EFH.
2. An analysis of the potential adverse effects of the action on EFH and the managed Species.
3. Conclusions regarding the effects of the action on EFH.
4. Proposed mitigation, if applicable (refer to the mitigation thresholds located in Section V).

c. Federal agencies shall follow their own procedures for complying with the EFH requirements of the Magnuson-Stevens Fishery Conservation and Management Act. For activities requiring a PCN, the applicant is responsible for furnishing documentation that demonstrates consultation for EFH has been completed.

d. For PCN activities, no work may commence until EFH consultation as required by the Magnuson-Stevens Act has been completed.

12. National Lands. Activities that impinge upon the value of any National Wildlife Refuge, National Forest, National Marine Sanctuary, National Historic Landmarks or any other area administered by the National Park Service, U. S. Fish and Wildlife Service (USFWS) or U.S. Forest Service (USFS) require a PCN or Individual Permit. Federal land managers seeking authorization for activities located in the above listed National Lands may proceed under SV, unless a PCN is required elsewhere in this document.

13. Wild and Scenic Rivers. The following activities in designated river or study river segments in the National Wild and Scenic River (WSR) System require a PCN unless the Federal agency with direct management responsibility for such river, in Massachusetts this is generally the National Park Service, has determined in writing to the proponent that the proposed work will not adversely affect the WSR designation or study status:

- a. Activities that occur in WSR segments, in and 0.25 miles up or downstream of WSR segments, or in tributaries within 0.25 miles of WSR segments;
- b. Activities that occur in wetlands within 0.25 miles of WSR segments;
- c. Activities that have the potential to alter free-flowing characteristics in WSR segments.

No GP activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river” for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status.

As of May 10, 2023, affected rivers in Massachusetts include: the Taunton River (40 miles), Sudbury River (16.6 miles), Assabet River (4.4 miles), Concord River (8 miles), Nashua River (27 miles), Squannacook River (16.3 miles), Nissitissit River (4.7 miles), and the Westfield River, including West Branch, Middle Branch, Gendale Brook, East Branch, Drowned Land Brook, Center Brook, Windsor Jambs Brook, Shaker Mill Brook, Depot Brook, Savery Brook, Watson Brook, Center Pond Brook (78.1 miles). The most up to date list of designated and study rivers and their descriptions may be obtained from the appropriate Federal land management agency responsible for the designated Wild and Scenic River or study river (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service). Information on these rivers is also available at: <http://www.rivers.gov/>.

14. Historic Properties

- a. For all SV and PCN applications, permittees shall follow the guidance set forth in Appendix A, Guidance for NHPA Section 106 Compliance in Massachusetts.
- b. No undertaking authorized by these GPs shall cause effects¹ (defined in 36 CFR Part 800 and 33 CFR Part 325, Appendix C, and its Interim Guidance) on properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places (NRHP)², including previously unknown historic properties within the permit area, unless the USACE or another Federal action agency has satisfied the consultation requirements of Section 106 of the National Historic Preservation Act (Section 106). If another Federal agency is determined the lead federal agency for compliance with Section 106, applicant must obtain the appropriate documentation and provide this information to the USACE to demonstrate compliance with Section 106. The applicant shall not begin the activity until the USACE notifies them in writing that the documentation provided satisfies Section 106 requirements.

¹ Effect means the alteration to the characteristics of a historic property qualifying it for inclusion in or eligibility for the National Register of Historic Properties.

² See the NAE Regulatory website, National Register of Historic Places link here: <https://www.nae.usace.army.mil/Missions/Regulatory/State-General-Permits/Massachusetts-General-Permit/>.

- c. Many historic properties are not listed on the NRHP and may require identification and evaluation by qualified historic preservation and/or archaeological consultants. The State Historic Preservation Officer (SHPO), Massachusetts Board of Underwater Archaeological Resources (BUAR), local historical societies, certified local governments, general public, and NRHP may also be able to assist with locating information on:
 - i. Previously identified historic properties; and
 - ii. Areas with potential for the presence of historic properties.
- d. Discovery of Previously Unknown Remains and Artifacts: If any previously unidentified human remains, cultural deposits, or artifacts are discovered while accomplishing the activity authorized by this permit, you must immediately notify the USACE of what you have found, and to the maximum extent practicable, cease work and avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The USACE will initiate the Federal, State and tribal coordination required to determine if the items or remains warrant a recovery effort and/or if the site is eligible for listing in the National Register of Historic Places.
- e. Section 110k: Prospective permittees should be aware that section 110k of the NHPA (54 U.S.C. § 306113) prevents the USACE from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of Section 106, has intentionally significantly adversely effected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the USACE, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the USACE is required to notify the ACHP and provide documentation specifying the circumstances, the degree of damage to the integrity of any historic properties effected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or effects historic properties on tribal lands or effects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.
- f. Underwater Archaeological Resources: Under Massachusetts General Law Ch. 6, s.'s 179-180, and Ch. 91, s. 63, the BUAR has statutory jurisdiction within state waters and is the sole trustee of the Commonwealth's underwater heritage, charged with the responsibility of encouraging the discovery and reporting, as well as the preservation and protection, of underwater archaeological resources. Underwater archaeological resources located within the waters of the Commonwealth of Massachusetts are property of the Commonwealth, which holds title to these resources and retains regulatory authority over their use. Under Massachusetts General Law, no person, organization or corporation may "remove, displace, damage, or destroy" any underwater archaeological resources located within the Commonwealth's submerged lands except through consultation with the BUAR and in conformity with the permits it issues. <https://www.mass.gov/orgs/board-of-underwater-archaeological-resources>.

15. USACE Property and Federal Projects. (33 USC §408)

- a. USACE projects and property can be found at: <https://www.nae.usace.army.mil/Missions/Civil-Works/>.
- b. In addition to any authorization under these GPs, prospective permittee shall contact the USACE Real Estate Division (<https://www.nae.usace.army.mil/Missions/Real-Estate-Division/>) at (978) 318-8585 for work occurring on or potentially affecting USACE properties and/or USACE-controlled easements. Work may not commence on USACE properties and/or USACE-controlled easements until they have received any required USACE real estate documents evidencing site-specific permission to work.
- c. Any proposed temporary or permanent occupation or alteration of a Federal project (including, but not limited to, a levee, dike, floodwall, channel, anchorage, breakwater, seawall, bulkhead, jetty, wharf, pier, or other work built or maintained but not necessarily owned by the United States),

is not eligible for SV and requires a PCN. This includes all proposed structures and work in, over, or under a USACE federal navigation project (FNP) or in the FNP's buffer zone. The buffer zone is an area that extends from the horizontal limits of the FNP to a distance of three times the FNP's authorized depth. The activity also requires review and approval by the USACE pursuant to 33 USC 408 (Section 408 Permission). The prospective permittee may reach out to the POCs located here: <https://www.nae.usace.army.mil/Missions/Section-408/>.

d. Any structure or work constructed in a FNP or its buffer zone shall be subject to removal at the owner's expense prior to any future USACE dredging or the performance of periodic hydrographic surveys.

e. Where a Section 408 permission is required, written verification for the PCN will not be issued prior to the decision on the Section 408 permission request.

16. Navigation

a. No activity may cause more than a minimal adverse effect on navigation.

b. Any safety lights and signals prescribed by the U.S. Coast Guard, must be installed, and maintained at the permittee's expense on authorized facilities in navigable waters of the U.S.

c. There shall be no unreasonable interference with navigation by the existence or use of the activity authorized herein, and no attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the activity authorized herein.

d. The permittee understands and agrees that if future U.S. operations require the removal, relocation, or other alteration of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from USACE, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the U.S. No claim shall be made against the U.S. on account of any such removal or alteration.

17. Permit/Authorization Letter On-Site. For PCNs, the permittee shall ensure that a copy of these GPs and the accompanying authorization letter are at the work site (and the project office) whenever work is being performed, and that all personnel with operational control of the site ensure that all appropriate personnel performing work are fully aware of its terms and conditions. The entire permit authorization shall be made a part of any and all contracts and sub-contracts for work that affects areas of USACE jurisdiction at the site of the work authorized by these GPs. This shall be achieved by including the entire permit authorization in the specifications for work. The term "entire permit authorization" means these GPs, including GCs and the authorization letter (including its drawings, plans, appendices, special conditions, and other attachments), and any permit modifications. If the authorization letter is issued after the construction specifications, but before receipt of bids or quotes, the entire permit authorization shall be included as an addendum to the specifications. If the authorization letter is issued after receipt of bids or quotes, the entire permit authorization shall be included in the contract or sub-contract as a change order. Although the permittee may assign various aspects of the work to different contractors or sub-contractors, all contractors and sub-contractors shall be obligated by contract to comply with all environmental protection provisions contained within the entire authorization letter, and no contract or sub-contract shall require or allow unauthorized work in areas of USACE jurisdiction. For SVs, the permittee shall ensure that a complete and signed copy of the SVN is present on site during construction and is made available for review at any time by USACE and other Federal, State, & Local regulatory agencies. A complete and signed copy of the SVN must be submitted to USACE Regulatory within 30 days of initiating construction of the authorized activity, unless stated otherwise in the applicable GP.

18. Storage of Seasonal Structures. Coastal structures such as pier sections, floats, etc., that

are removed from the waterway for a portion of the year (often referred to as seasonal structures) shall be stored in an upland location, located above MHW and not in tidal wetlands. These seasonal structures may be stored on the fixed, pile-supported portion of the structure that is seaward of MHW. This is intended to prevent structures from being stored on the marsh substrate and the substrate seaward of MHW.

19. Pile Driving and Pile Removal in Navigable Waters.

- a. Derelict, degraded or abandoned piles and sheet piles in navigable waters of the U.S., except for those inside existing work footprints for piers, must be completely removed, cut and/or driven to 3 feet below the substrate to prevent interference with navigation, and existing creosote piles that are affected by project activities shall be completely removed if practicable. In areas of fine-grained substrates, piles must be removed by the direct, vibratory or clamshell pull method¹ to minimize sedimentation and turbidity impacts and prevent interference with navigation from cut piles. Removed piles shall be disposed of in an upland location landward of MHW or OHW and not in wetlands, tidal wetlands or mudflats.
- b. A PCN is required for the installation or removal of structures with jetting techniques.
- c. A PCN is required for the installation of >12 inch-diameter piles of any material type or steel piles of any size in tidal waters, unless they are installed in the dry. If piles are not installed in the dry:
 - i. Impact pile driving shall commence with an initial set of three strikes by the hammer at 40% energy, followed by a one-minute wait period, then two subsequent 3-strike sets at 40% energy, with one minute waiting periods, before initiating continuous impact driving.
 - ii. Vibratory pile driving shall be initiated for 15 seconds at reduced energy followed by a one-minute waiting period. This sequence of 15 seconds of reduced energy driving, one-minute waiting period shall be repeated two more times, followed immediately by pile-driving at full rate and energy.
 - iii. In addition to using a soft start at the beginning of the workday for pile driving as described in 19c(i-ii), a soft start must also be used at any time following a cessation of pile driving for a period of 30 minutes or longer.
- d. Bubble curtains may be used to reduce sound pressure levels during vibratory or impact hammer pile driving.

20. Time-of-Year (TOY) Restrictions. Activities that include in-water work must comply with the TOY Restrictions below to be SV eligible, otherwise a PCN is required. PCN submittals shall contain written justification for deviation from the TOY Restrictions. The term “in-water work” does not include conditions where the work site is “in-the-dry” (e.g., intertidal areas exposed at low tide). The term “in-the-dry” includes work contained within a cofferdam so long as the cofferdam is installed and subsequently removed outside the TOY Restriction. The TOY restrictions stated in Appendix B of the MA DMF Technical Report TR-47² can apply instead for activities in tidal waters if (1) TOYs are provided for a specific waterbody where the activity is proposed and (2) the TOYs are less restrictive than below. The activity must also not require a PCN elsewhere in this document to be SV eligible.

¹ Direct Pull: Each piling is wrapped with a choker cable or chain that is attached at the top to a crane. The crane then pulls the piling directly upward, removing the piling from the sediment. Vibratory Pull: The vibratory hammer is a large mechanical device (5-16 tons) that is suspended from a crane by a cable. The vibrating hammer loosens the piling while the crane pulls up. Clamshell Pull: This can remove intact, broken or damaged pilings. The clamshell bucket is a hinged steel apparatus that operates like a set of steel jaws. The bucket is lowered from a crane and the jaws grasp the piling stub as the crane pulls up. The size of the clamshell bucket is minimized to reduce turbidity during piling removal.

² The MA DMF Technical Report TR-47: <https://www.nae.usace.army.mil/Missions/Regulatory/State-General-Permits/Massachusetts-General-Permit/>

TOY Restriction (No work)

Non-tidal Waters

Defer to TR-47

Tidal Waters

January 15 – November 15

Alternate work windows proposed under a PCN will generally be coordinated with the USFWS and NMFS. Resulting written verifications may include species-specific work allowed windows.

21. Heavy Equipment in Wetlands. Operating heavy equipment (drill rigs, fixed cranes, etc.) within wetlands shall be minimized, and such equipment shall not be stored, maintained, or repaired in wetlands, to the maximum extent practicable. Where construction requires heavy equipment operation in wetlands, the equipment shall:

- i. Have low ground pressure (typically ≤ 3 psi);
- ii. Be placed on swamp/construction/timber mats (herein referred to as “construction mats” or “mats”) that are adequate to support the equipment in such a way as to minimize disturbance of wetland soil and vegetation. See GC 22 for information on the placement of construction mats; or
- iii. Be operated on adequately dry or frozen wetlands such that shear pressure does not cause subsidence of the wetlands immediately beneath the equipment and upheaval of adjacent wetlands. Construction mats are to be placed in the wetland from the upland or from equipment positioned on mats if working within a wetland. Dragging construction mats into position is prohibited. Other support structures that are capable of safely supporting equipment may be used with written USACE authorization.

22. Temporary Fill, Work & Construction Mats.

a. Construction mats in non-tidal waters: Temporary construction mats shall be in place ≤ 1 year and for one growing season or less to be SV eligible. A PCN is required if construction mats are in place > 1 year or for more than one growing season. Construction mats can be placed in an area of any size in non-tidal waters. The activity may occur in segments to ensure the requirements for SV above are met, otherwise a PCN is required.

b. Construction mats in tidal waters: Temporary construction mats placed in an area $< 5,000$ SF in tidal waters are SV eligible, provided those mats are in place ≤ 6 months. Temporary construction mats placed in an area $\geq 5,000$ SF or in place > 6 months in tidal waters require a PCN.

c. Management of construction mats: At a minimum, construction mats shall be managed in accordance with the following construction mat best management practices (BMPs):

1. Mats shall be in good condition to ensure proper installation, use, and removal.
2. As feasible, mats shall be placed in a location that will minimize the amount of mats needed for the wetland crossing(s).
3. Inspect mats prior to their re-use and remove any plant debris. Mats are to be thoroughly cleaned before re-use to prevent the spread of invasive plant species.
4. Impacts to wetland areas shall be minimized during installation, use, and removal of the mats.
5. Adequate erosion & sediment controls shall be installed at approaches to mats to promote a smooth transition to, and minimize sediment tracking onto, the mats.
6. In most cases, mats should be placed along the travel area so that the individual boards are resting perpendicular to the direction of traffic. No gaps should exist between mats. Place mats far enough on either side of the resource area to rest on firm ground.

d. A PCN is required for temporary fills in place > 2 years. All temporary fills and disturbed soils shall be stabilized to prevent the material from eroding into waters of the U.S. where it is not authorized. Work shall include phased or staged development to ensure only areas under active development are exposed and to allow for stabilization practices as soon as practicable. Temporary fill must be placed in a manner that will prevent it from being eroded by expected high flows.

- e. Activities that require unconfined temporary fill and are authorized for discharge into waters of the U.S. shall consist of material that minimizes effects to water quality.
- f. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable when temporary structures, work, and discharges of dredged or fill material, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Materials shall be placed in a location and manner that does not adversely impact surface or subsurface water flow into or out of the wetland. Temporary fill authorized for discharge into wetlands shall be placed on geotextile fabric or other appropriate material laid on the pre-construction wetland grade where practicable to minimize impacts and to facilitate restoration to the original grade. Construction mats are excluded from this requirement.
- g. Construction debris and deteriorated materials shall not be located in waters of the U.S.
- h. Temporary fills, construction mats, and corduroy roads shall be entirely removed as soon as they are no longer needed to construct the authorized activity and the disturbed areas be restored to pre-construction contours and conditions.
- i. Construction equipment, such as temporary barges in tidal waters, shall provide clearance above the substrate to avoid grounding onto the substrate during all tides.

23. Restoration of Wetland Areas.

- a. Upon completion of construction, all disturbed wetland areas shall be stabilized with a wetland seed mix or plant plugs containing only plant species native to New England, and be appropriate for site conditions, including salinity and frequency of inundation, and shall not contain any species listed in the “Invasive and Other Unacceptable Plant Species” Appendix K of the New England District “Compensatory Mitigation Standard Operating Procedures” found at <https://www.nae.usace.army.mil/Missions/Regulatory/Mitigation.aspx>.
- b. The introduction or spread of invasive plant species in disturbed areas shall be prevented and controlled. Equipment shall be thoroughly cleaned before and after project construction to prevent the spread of invasive species. This includes, but is not limited to, tire treads and construction mats.
- c. In areas of authorized temporary disturbance, if trees are cut in USACE jurisdiction, they shall be cut at or above ground level and not uprooted in order to prevent disruption of any kind to the wetland soil structure and to allow stump sprouts to revegetate the work area, unless otherwise authorized.
- d. Wetland areas where permanent disturbance is not authorized shall be restored to their original condition and elevation, which under no circumstances shall be higher than the pre-construction elevation. Original condition means careful protection and/or removal of existing soil and vegetation, and replacement back to the original location such that the original soil layering and vegetation schemes are approximately the same, unless otherwise authorized.

24. Bank Stabilization.

- a. Projects involving construction or reconstruction/maintenance of bank stabilization within USACE jurisdiction shall be designed to minimize environmental effects, effects to neighboring properties, scour, conversion of natural shoreline to hard armoring, etc. to the maximum extent practicable.
- b. Projects involving the construction of new bank stabilization within USACE jurisdiction shall use bioengineering techniques and natural materials in the project design to the maximum extent practicable. Use of hard structures shall be eliminated or minimized unless the prospective permittee can demonstrate that use of bioengineering techniques is not practicable due to site conditions.
- c. Where possible, bank stabilization projects shall optimize the natural function of the shoreline, including self-sustaining stability to attenuate flood flows, fishery, wildlife habitat and water quality protection, while protecting upland infrastructure from storm events that can cause erosion as well as impacts to public and private property.
- d. No material shall be placed in excess of the minimum needed for erosion protection.
- e. No material shall be placed in a manner that will be eroded by normal or expected high flows (properly anchored native trees and treetops may be used in low energy areas).

- f. Native plants appropriate for current site conditions, including salinity, must be used for bioengineering or vegetative bank stabilization.
- g. The activity must be properly maintained, which may require repairing it after severe storms or erosion events.

25. Soil Erosion and Sediment Controls.

- a. Appropriate soil erosion and sediment controls¹ (hereinafter referred to as “controls”) must be installed prior to earth disturbance and maintained in effective operating condition during construction. Biodegradable wildlife friendly erosion controls should be used whenever practicable to minimize effects to water quality.
- b. Activities in streams (rivers, streams, brooks, etc.) and tidal waters that are capable of producing sedimentation or turbidity should be done during periods of low-flow or no-flow, when the stream or tide is waterward of the work area. Controls may also be used to obtain dry work conditions (e.g., coffer dam, turbidity curtain). The prospective permittee must demonstrate in the project plans where the controls are proposed and how these controls would avoid and/or minimize turbidity or sedimentation.
- c. A PCN is required for controls that encroach: i) >25% of the stream width measured from OHW in non-tidal diadromous streams from March 15 to June 30; or ii) >25% of the waterway width measured from MHW in tidal waters from Feb. 1 to June 30, or >50% of the waterway width measured from MHW in tidal waters from July 1 to Jan. 14. This is to protect upstream fish passage. Proponents must also maintain downstream fish passage throughout the project.
- d. No dewatering shall occur with direct discharge to waters or wetlands. Excess water in isolated work areas shall be pumped or directed to a sedimentation basin, tank or other dewatering structures in an upland area adequately separated from waters or wetlands. Suspended solids shall be removed prior to discharge back into waters or wetlands from these dewatering structures. All discharge points back into waters and wetlands shall use appropriate energy dissipaters and erosion and sedimentation control BMPs.
- e. Temporary controls shall be removed upon completion of work, but not until all exposed soil and other fills, as well as any work waterward of OHW or the HTL, are permanently stabilized at the earliest practicable date. Sediment and debris collected by these devices shall be removed and placed at an upland location in a manner that will prevent its later erosion into a waterway or wetland. Controls may be left in place if they are biodegradable and flows and aquatic life movements are not disrupted.

26. Aquatic Life Movements and Management of Water Flows.

- a. No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity’s primary purpose is to impound water. All permanent and temporary crossings of waterbodies and wetlands shall be:
 - i. Suitably spanned, bridged, culverted, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species; and
 - ii. Properly aligned and constructed to prevent bank erosion or streambed scour both adjacent to and inside the crossing.

¹ Appropriate soil erosion, sediment and turbidity controls include cofferdams, bypass pumping around barriers immediately up and downstream of the work footprint (i.e., dam and pump), installation of sediment control barriers (i.e., silt fence, vegetated filter strips, geotextile silt fences, filter tubes, erosion control mixes, hay bales or other devices) downhill of all exposed areas, stream fords, retention of existing vegetated buffers, application of temporary mulching during construction, phased construction, and permanent seeding and stabilization, etc.

- b. To avoid adverse impacts on aquatic organisms, the low flow channel/thalweg shall remain unobstructed during periods of low flow, except when necessary to perform the authorized work.
- c. For work in tidal waters, in-stream controls (e.g., cofferdams) should be installed in such a way as to not obstruct fish passage.
- d. Riprap and other stream bed materials shall be installed in a manner that avoids organism entrapment in rock voids or water displaced to subterranean flow with crushed stone and riprap.
- e. To the maximum extent practicable, the preconstruction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization, storm water management activities, and temporary and permanent road crossings, except as provided below. The activity must be constructed to withstand expected high flows. The activity shall not restrict or impede the passage of normal or high flows unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

27. Spawning, Breeding, and Migratory Areas.

- a. Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized under these GPs.
- b. Activities in waters of the U.S. that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.
- c. The applicant is responsible for obtaining any “take” permits required under the USFWS’s regulations governing compliance with the Migratory Bird Treaty Act or the Bald and Golden Eagle Protection Act. The applicant should contact the appropriate local office of the USFWS to determine if such “take” permits are required for a particular activity.
- d. Information on spawning habitat for species managed under the Magnuson-Stevens Fishery Conservation and Management Act (i.e., EFH for spawning adults) can be obtained from NAE Regulatory website, Essential Fish Habitat section, at: <https://www.nae.usace.army.mil/Missions/Regulatory/State-General-Permits/Massachusetts-General-Permit/>.
- e. Information regarding diadromous fish habitat can be obtained from the following DMF website at: <https://www.mass.gov/info-details/massgis-data-diadromous-fish>.

28. Vernal Pools.

- a. A PCN is required if a discharge of dredged or fill material is proposed within a vernal pool depression that is also a water of the U.S.
- b. Vernal pools must be identified on the plans that show aquatic resource delineations.
- c. Adverse impacts to vernal pools shall be avoided & minimized to the maximum extent practicable.

29. Invasive Species.

- a. The introduction, spread or the increased risk of invasion of invasive plant or animal species on the project site, into new or disturbed areas, or areas adjacent to the project site caused by the site work shall be avoided. Construction mats shall be thoroughly cleaned before reuse to avoid spread of invasive species.
- b. Unless otherwise directed by USACE, all applications for PCN non-tidal projects proposing fill in USACE jurisdiction shall include an Invasive Species Control Plan. Additional information can be found at: <https://www.nae.usace.army.mil/Missions/Regulatory/Invasive-Species/>, <https://www.nae.usace.army.mil/Missions/Regulatory/Mitigation/>.

30. Fills Within 100-Year Floodplains. The activity shall comply with applicable Federal Emergency Management Agency (FEMA) approved, Massachusetts Emergency Management

Agency (MEMA) approved and/or local floodplain management requirements. Applicants should contact FEMA and/or MEMA regarding floodplain management requirements.

31. Stream Work and Crossings & Wetland Crossings.

- a. When feasible, all temporary and permanent crossings of waterbodies and wetlands (hereinafter referred to as “crossings”) shall conform to the “Massachusetts River and Stream Crossing Standards” located at: <https://www.mass.gov/doc/massachusetts-river-and-stream-crossing-standards/download> or <https://www.nae.usace.army.mil/Missions/Regulatory/State-General-Permits/Massachusetts-General-Permit/>. Projects that do not conform to these guidelines shall be reviewed under PCN or IP procedures.
- b. Crossings shall be suitably culverted, bridged, or otherwise designed to withstand and to prevent the restriction of high flows, to maintain existing low flows, maintain water quality, and not obstruct the movement of aquatic life indigenous to the waterbody beyond the duration of construction.
- c. Crossings shall be installed in such a manner as to preserve hydraulic capacity and flow, sediment transport, and organism passage at its present level, between the wetlands on either side of the road. The applicant shall take necessary measures to correct any wetland damage resulting from deficiencies in hydraulic capacity, sediment transport and organism passage.
- d. Stream crossings shall utilize a natural mixed grain-size streambed material composition that matches upstream and downstream substrates to create a stable streambed. Substrate should function appropriately during normal and high flows without washing out. If natural streambed material is not utilized, a PCN is required.
- e. Activities involving open trench excavation in flowing waters require a PCN. Work should not occur in flowing waters (requires using management techniques such as temporary flume pipes, culverts, cofferdams, etc.). Normal flows should be maintained within the stream boundary’s confines when practicable. Projects utilizing these management techniques must meet all applicable terms and conditions of the GP, including the GCs in Section IV.

32. Utility Line Installation and Removal

- a. Subsurface utility lines must be installed at a sufficient depth to avoid damage from anchors, dredging, etc., and to prevent exposure from erosion and stream adjustment.
- b. When utility lines are installed via horizontal directional drilling, a frac-out contingency plan shall be present on site for the duration of construction. As necessary, the applicant shall immediately contain, control, recover, and remove drilling fluids released into the environment.
- c. Abandoned or inactive utility lines must be removed and faulty lines (e.g., leaking hazardous substances, petroleum products, etc.) must be removed or repaired. A written verification from the USACE is required if they are to remain in place, e.g., to protect sensitive areas or ensure safety.
- d. Utility lines shall not adversely alter existing hydrology, and trenches cannot be constructed or backfilled in such a manner as to drain waters of the U.S. (e.g., backfilling with extensive gravel layers, creating a French drain effect). In wetland areas, structures such as ditch plugs, cut-off walls, clay blocks, bentonite, or other suitable material shall be used within utility trenches to ensure that the trench through which the utility line is installed does not drain waters of the U.S. including wetlands.
- e. Stockpiling of tree debris, to the extent where it has the effect of fill material, shall not occur in waters of the U.S. Tree debris shall be removed from waters of the U.S. and placed in uplands without causing additional disturbance to aquatic resources. Failure to meet this condition could change the bottom elevation of the wetland and be considered a discharge of fill material, and depending on the area of alteration, may require a PCN or IP.

33. Water Supply Intakes. No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.

34. Coral Reefs. Impacts to coral reefs are not authorized under these GPs. Coral reefs consist of the skeletal deposit, usually of calcareous or siliceous materials, produced by the vital activities of anthozoan polyps or other invertebrate organisms present in growing portions of the reef.

35. Blasting. Blasting in waters of the U.S. associated with work such as dredging, trenching, pile installation, etc. is not authorized under these GPs.

36. Inspections. The permittee shall allow USACE to make periodic inspections at any time deemed necessary to ensure that the work is being or has been performed in accordance with the terms and conditions of this permit. To facilitate these inspections, for activities requiring a PCN, the permittee shall complete and return the Certificate of Compliance when it is provided with a PCN verification letter. For SV-eligible activities, the permittee shall complete and submit the SVN to USACE within 30 days of initiating project construction, at which point, USACE may opt to inspect the activity to verify compliance with the terms and conditions of the GP. Post-construction engineering drawings may be required by USACE for completed work. This includes post-dredging survey drawings for any dredging work.

37. Maintenance. The permittee shall maintain the activity authorized by these GPs in good condition and in conformance with the terms and conditions of this permit. Some maintenance activities may not be subject to federal regulation under Section 404 in accordance with 33 CFR 323.4(a)(2). This condition is not applicable to maintenance of dredging projects. Prospective permittees should contact USACE to inquire about maintenance of dredging projects, and its eligibility under these GPs. Maintenance dredging is subject to the review thresholds in GP #7 as well as any conditions included in a written USACE authorization. Maintenance dredging includes only those areas and depths previously authorized and dredged.

38. Property Rights. Per 33 CFR 320.4(g)(6), these GPs do not convey any property rights, either in real estate or material, or any exclusive privileges, nor do they authorize any injury to property or invasion of rights or any infringement of Federal, State, or local laws or regulations.

39. Transfer of GP Verifications. When the work authorized by these GPs is still in existence at the time the property is transferred, the terms and conditions of these GPs, including any special conditions, will continue to be binding on the entity or individual who received the GP authorizations, as well as the new owner(s) of the property. If the permittee sells the property associated with a GP authorization, the applicant may transfer the GP authorization to the new owner by submitting a letter to USACE to validate the transfer. A copy of the GP authorization letter must be attached to the letter, and the letter must include the following statement: "The terms and conditions of these general permits, including any special conditions, will continue to be binding on the new owner(s) of the property." This letter shall be signed by both the seller and new property owner(s).

40. Modification, Suspension, and Revocation. These GPs and any individual authorization issued thereof may be either modified, suspended, or revoked in whole or in part pursuant to the policies and procedures of 33 CFR 325.7; and any such action shall not be the basis for any claim for damages against the U.S.

41. Special Conditions. The USACE may impose other special conditions on a project authorized pursuant to these GPs that are determined necessary to minimize adverse navigational and/or environmental effects or based on any other factor of the public interest. Failure to comply with all conditions of the authorization, including special conditions, constitutes a permit violation and may subject the applicant to criminal, civil, or administrative penalties or restoration.

42. False or Incomplete Information. If USACE makes a determination regarding the eligibility of a project under these GPs, and subsequently discovers that it has relied on false, incomplete, or inaccurate information provided by the applicant, the authorization will not be valid, and the U.S. Government may institute appropriate legal proceedings.

43. Abandonment. If the permittee decides to abandon the activity authorized under these GPs, unless such abandonment is merely the transfer of property to a third party, he/she/they may be required to restore the area to the satisfaction of USACE.

44. Enforcement cases. These GPs do not apply to any existing or proposed activity in USACE jurisdiction associated with an on-going USACE or EPA enforcement action, until such time as the enforcement action is resolved or USACE or EPA determines that the activity may proceed independently without compromising the enforcement action.

45. Previously Authorized Activities.

- a. Completed projects that received prior authorization from USACE (SV or PCN), shall remain authorized in accordance with the original terms and conditions of those authorizations, including their terms, GCs, and any special conditions provided in a written verification.
- b. Activities authorized pursuant to 33 CFR 330.3 (activities occurring before certain dates) are not affected by these GPs.

46. Duration of Authorization.

These GPs expire on June 1, 2028. Activities authorized under these GPs will remain authorized until the GPs expire, unless discretionary authority has been exercised on a case-by-case basis to modify, suspend, or revoke the authorization in accordance with 33 CFR 325.2(e)(2). Activities authorized under GPs 1-25 that have either commenced (i.e., are under construction) or are under contract to commence in reliance upon this authorization will have until June 1, 2029 to complete the work. If requested by USACE, the permittee shall furnish documentation that demonstrates the project was under construction or under contract to commence by June 1, 2028. If work is not completed before June 1, 2029, the permittee must contact USACE. The USACE may issue a new authorization provided the project meets the terms and conditions of the MA GPs in effect at the time. Activities completed under the SV or PCN authorizations of these GPs will continue to be authorized after their expiration date.

U.S. Army Corps of Engineers

SECTION 404 SELF VERIFICATION –
NOTIFICATION FORM

Town of Colrain

Jacksonville Road Embankment Failure Repair Project

U.S. Army Corps of Engineers
Massachusetts General Permit
Self-Verification Notification

Colrain, MA

February 2024

Prepared for:

Town of Colrain
55 Main Road
Colrain, MA 01340

Prepared by:

BSC Group
1 Mercantile Street
Worcester, MA 01608

BSC Project No 28498.00

FEBRUARY 13, 2024

www.bscgroup.com

U.S. Army Corps of Engineers
New England District, Regulatory Division
696 Virginia Road
Concord, MA 01742-2751

**RE: Massachusetts General Permit
Self-Verification Notification
Jacksonville Road Embankment Failure Repair
Colrain, MA
Town of Colrain**

Dear Reviewer:

BSC Group, Inc. (BSC), on behalf of the Town of Colrain, is pleased to submit this application for authorization under Massachusetts General Permit (GP) #9 for construction activities associated with restoring the embankment on the east side the Jacksonville Road where it has slumped into the North River, undermining the right lane on the road. The Project includes the addition of bank armoring to avoid future embankment failures.

As part of the work, permanent and temporary impacts will occur in will occur in the North River, a perennial waterbody (Waters of the U.S.), as the result of the embankment repair and armoring. There will be fill of 651 square feet (s.f.) of perennial stream below OHW/bank full width. In addition, approximately 406 s.f. of temporary disturbance of perennial stream bed and bank below OHW/bank full width will occur during construction. The impacts to the perennial stream, include excavation of 35.5 cubic yards of stream bed and bank material, and 52 cubic yards of engineered fill associated with the repair of the failed embankment. Cut and fill requirements to restore the road to the original width have been minimized by evaluation of alternative designs and construction approaches.

Please find enclosed ENG Form 4345 and the following supplemental information:

Attachment A: Maps & Figures
Attachment B: Site Photographs
Attachment C: Abutters
Attachment D: iPac Report
Attachment E: Section 106 Consultations

Consultation letters have been submitted to MHC, MBUAR, Narragansett THPO, Mashpee THPO, Wampanoag THPO, and Stockbridge-Munsee Mohican THPO, copies of which are included in

Attachment E along with the Certified Mail receipts. If you have any questions or require additional information, please feel free to contact me at (617) 896-4325 or by email at pmartin@bscgroup.com.

Sincerely,



Paul Martin,
Sr. Project Manager

CC: Micah Morrison- BSC
Kevin Fox-Town of Colrain

17. PROJECT PLANS (BY CHECKING THE BOXES BELOW, YOU CERTIFY THESE ITEMS ARE COMPLETE) (see instructions)

- a. Plans shall at least contain the following: Vicinity Map, Plan View, and Typical Cross Section View of the proposed activity.
- b. All direct, indirect and secondary impacts from USACE regulated activities are shown on the project plans.
- c. The size of the impact area for each activity (acre, square feet, linear feet) are shown on the project plans.
- d. For discharges of fill material (§404), the volume of fill material is identified on the project plans.
- e. The duration of each impact, permanent or temporary (X days), is identified on the project plans.
- f. Do activities with permanent impacts result in the loss of waters? If so, this is identified on the project plans.
- g. All aquatic resources in the vicinity of the USACE regulated activities are delineated on the project plans.

18. AVOIDANCE & MINIMIZATION (BY CHECKING THE BOXES BELOW, YOU CERTIFY THESE CRITERIA ARE MET) (see instructions)

- a. The project has been designed to avoid and minimize impacts to aquatic resources.
- b. The footprint of activities in waters of the U.S. has been reduced to only what is necessary to achieve the overall project purpose.
- c. All practicable measures have been taken to avoid and minimize impacts to aquatic resources through construction techniques and site access (e.g., Best Management Practices, Time of Year Restrictions).
- d. All temporary impacts from USACE regulated activities will be restored upon completion of construction and the project area will be returned to pre-construction contours and conditions.

COMPLIANCE WITH FEDERAL REGULATIONS & SUPPLEMENTAL INFORMATION

19. DUE DILIGENCE (see instructions)

Complete the entries below to document compliance with the following Federal requirements. Construction may NOT begin if a PCN is/may be required, and you must contact USACE to determine permitting requirements. Documentation that demonstrates how the activity complies with each field below shall be submitted to the USACE as noted in the instructions block. See each General Condition (GC) in the GP for how to comply with each requirement.

- a. State Historic Preservation Officer Per Appendix A, SHPO was notified and they did not respond with concerns within 30 days.
- b. Massachusetts BUAR Per Appendix A, BUAR was notified and they did not respond with concerns within 30 days.
- c. Tribal Historic Preservation Officers The Tribe(s) were notified and they didn't respond with concerns within 30 days.
- d. Endangered Species Act - NOAA The activity is not located within the ESA-listed Species Range.
- e. Endangered Species Act - USFWS The activity is not located within the ESA-listed Species Range.
- f. Northern Long Eared Bat (ESA) No effect determination reached with the Rangewide D-Key. See Instructions below.*
- g. Essential Fish Habitat The project footprint does not contain EFH (see EFH definition in the MA GP).
- h. Wild & Scenic Rivers There are no WSR's within 0.25 miles of the project area.
- i. 401 Water Quality Certification 401 The activity qualifies under the general 401 WQC for the 2023 MA GPs.
401 WQC/OOC File Number: OOC issued: 401 issued:
- j. Section 408 Permission Not Required per GC 15a-f, no Federal Projects are within the project vicinity.
- k. Coastal Zone The project is not located within the coastal zone.
- l. Construction Mats N/A, the activity does not require the installation of construction mats.
- m. Time of Year Restrictions The project complies with TOY Restrictions in GC 20.
- n. Vernal Pools Per GC 28, the project is not located in a vernal pool.
- o. Sediment & Erosion Controls Per GC 25, the activity uses BMPs to avoid/minimize sedimentation & erosion.
- p. Stream/Wetland Crossings The activity does not require a stream/wetland crossing.

20. AQUACULTURE ACTIVITIES - GP 18 (see instructions)

- a. If required, an Aquaculture Certification from the Massachusetts Division of Marine Fisheries was obtained prior to commencing work.
- b. Coordination with the U.S. Coast Guard pursuant to Private Aids to Navigation has occurred prior to commencing work.
- c. If required, a MEPA Certificate was obtained from the Massachusetts Environmental Protection Agency prior to commencing work. Select Option
- d. The prospective permittee contacted local authorities (e.g. harbormaster, select board, shellfish constable) for authorization of their facility prior to commencing work.

21. ADDITIONAL INFORMATION/ATTACHMENTS (see instructions)

- a. The project plans are enclosed in this SVN submittal (see block 17).
- b. The activity IS NOT funded through the Bipartisan Infrastructure Bill (also known as the Infrastructure Investment and Jobs Act).
- c. All required state, local and federal approvals were acquired prior to starting construction in USACE jurisdiction.
- d. After construction of the activity is completed, a complete Certificate of Compliance will be submitted to USACE.

22. IS THERE ANOTHER LEAD FEDERAL AGENCY:

- YES NO

23. STATEMENT OF AUTHORIZATION (see instructions)

I certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

Ken P. Fox

12-18-23

Paul D. Martin

2/13/2024

SIGNATURE OF APPLICANT

DATE

SIGNATURE OF AGENT

DATE

24. SIGNATURES (see instructions)

I hereby certify that the information in this Self-Verification Notification is complete and accurate. As the applicant or their duly authorized agent, I certify the activity was completed in accordance with the terms and conditions of the GP. This includes all applicable terms, general conditions, and activity-specific GP criteria. I agree to allow the duly authorized representatives of the Corps of Engineers Regulatory Program and other regulatory or advisory agencies to enter upon the premises of the project site at reasonable times to evaluate inspect and photograph site conditions. This consent to enter the property is superior to, takes precedence over, and waives any communication to the contrary. For example, if the property is posted as "no trespassing" this consent specifically supersedes and waives that prohibition and grants permission to enter the property despite such posting.

Ken P. Fox

12-18-23

Paul D. Martin

2/13/2024

SIGNATURE OF APPLICANT

DATE

SIGNATURE OF AGENT

DATE

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.

Jacksonville Road Embankment Failure Repair Project
Colrain, MA
SVN

Attachment A: Maps & Plans

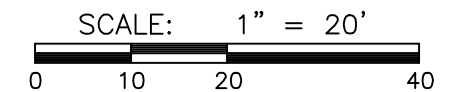
USGS Site Locus Map
Slope Stabilization Plan
Temporary and Permanent Impacts
FEMA Firmette
Soils Map


<u>INDEX</u>	
<u>SHEET NO.</u>	<u>DESCRIPTION</u>
1	INDEX
2	LOCUS MAP
3	EXISTING CONDITIONS
4	PHASE 1 - LOWER SLOPE STABILIZATION
5	PHASE 2 - UPPER SLOPE STABILIZATION
6	PROPOSED FINAL CONDITION
7	PROPOSED WALL ELEVATION
8	SECTION 404 WETLAND RESOURCE IMPACTS

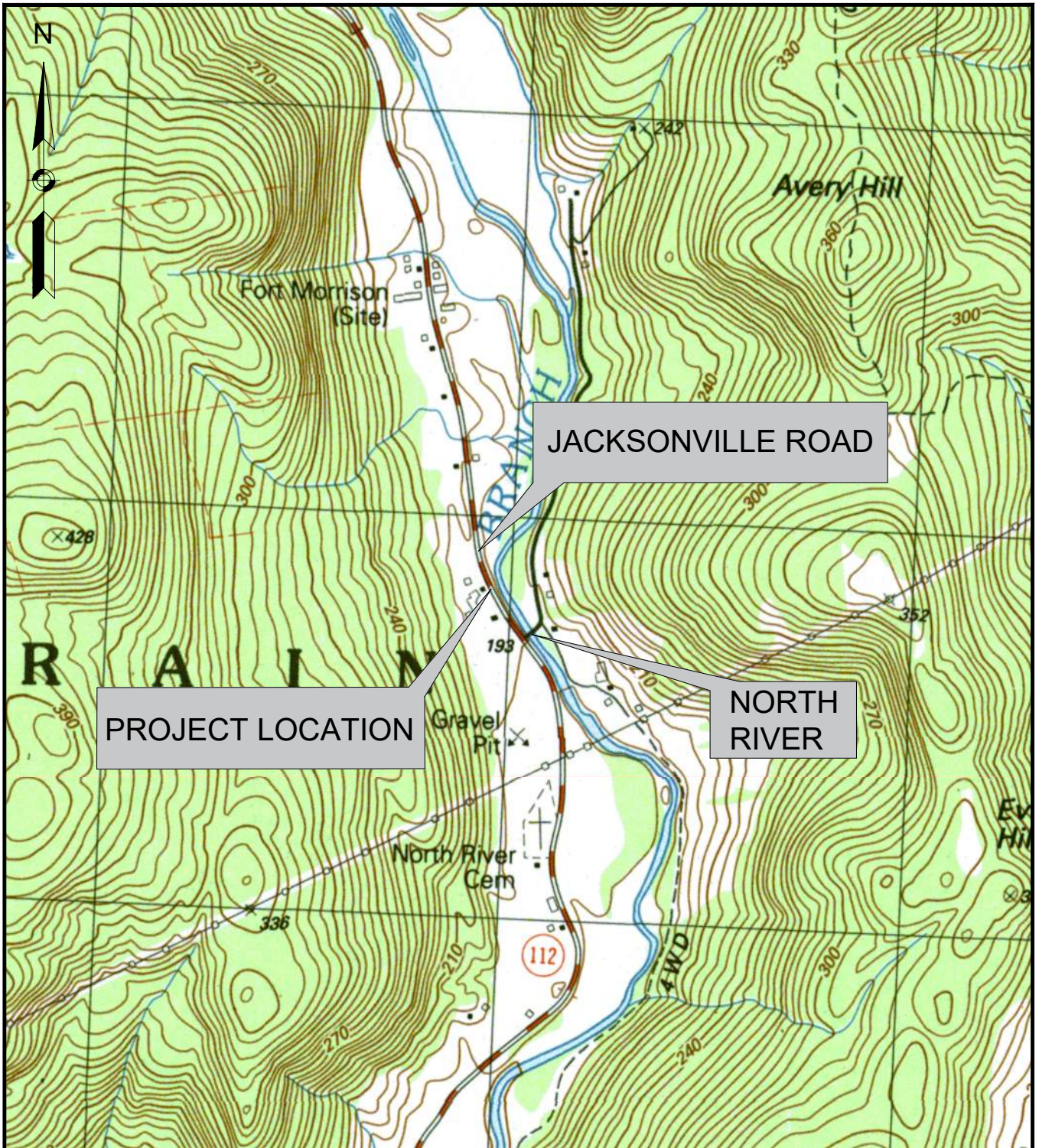
IMPACTS TO WETLAND AND WATERBODY RESOURCES AND WATERS OF THE UNITED STATES			
RIVERBED BELOW OHW	PERMANENT IMPACT	650	SF
	TEMPORARY IMPACT	406	SF

NOTES:

1. HORIZONTAL DATUM IS BASED OFF OF THE NORTH AMERICAN DATUM (NAD) 1983
2. ELEVATIONS ARE REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88)

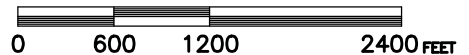


PREPARED FOR: TOWN OF COLRAIN 55 MAIN ROAD COLRAIN, MA 01340	INDEX	Job No.: <u>28498.00</u> Date: <u>11/30/2023</u> Scale: <u>N/A</u> Revised: _____ Description: <u>INDEX</u> Figure: <u>1 OF 8</u>	 803 Summer Street Boston, Massachusetts 02127 617 896 4300
	Source:		



LATITUDE: 42°41'26.4"N
 LONGITUDE: 72°41'34.6"W

SCALE: 1" = 1200'



PREPARED FOR:

TOWN OF COLRAIN
 55 MAIN ROAD
 COLRAIN, MA 01340

LOCUS MAP

Source:

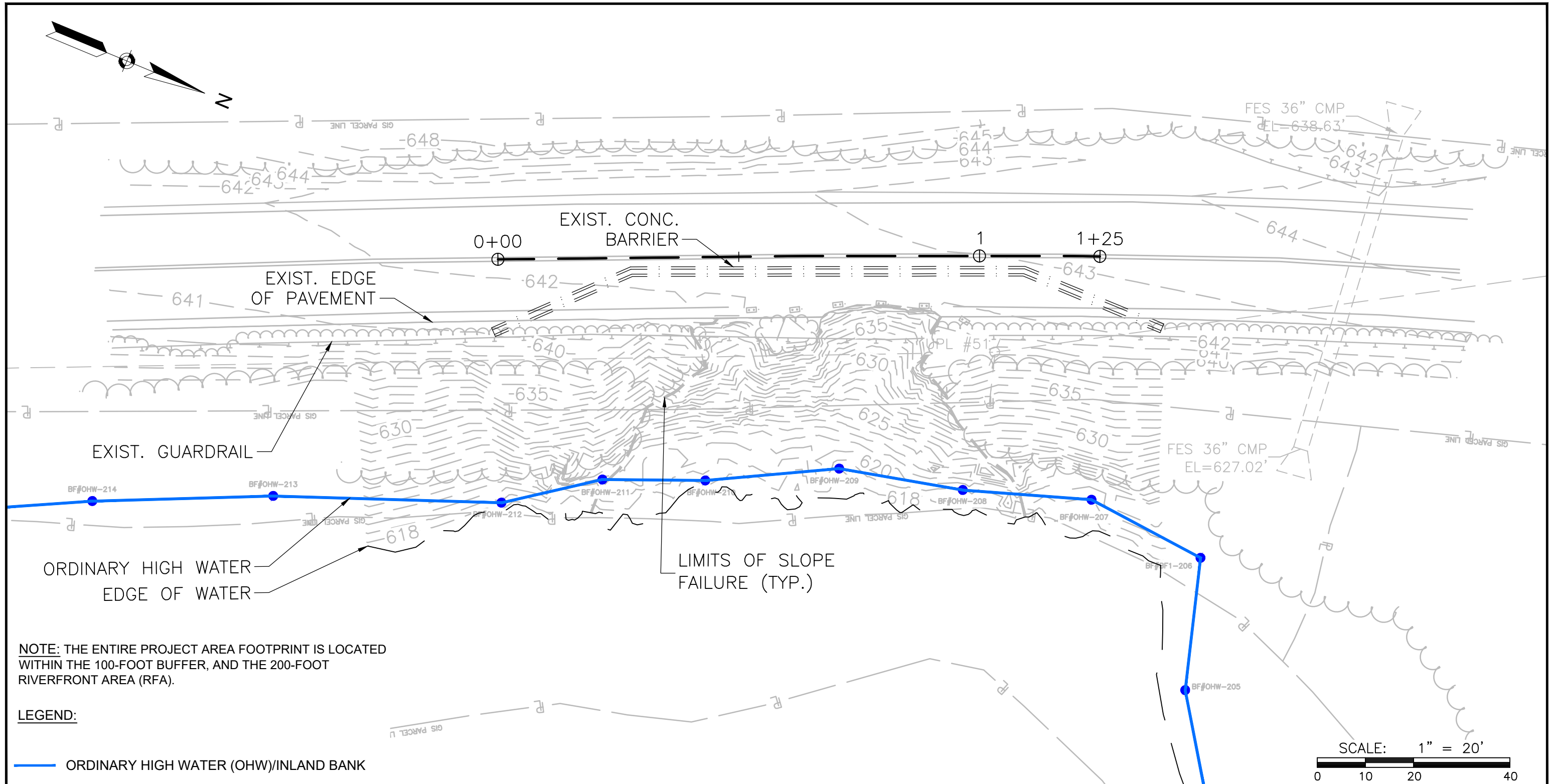
SLOPE STABILIZATION
 JACKSONVILLE ROAD
 COLRAIN, MA
 FRANKLIN COUNTY



803 Summer Street
 Boston, Massachusetts
 02127

617 896 4300

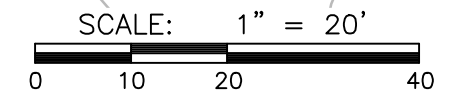
Job No.:	28498.00	Date:	11/30/2023
Scale:	1"=1200'	Revised:	
Dwg. No.:	Locus	Figure:	2 OF 8




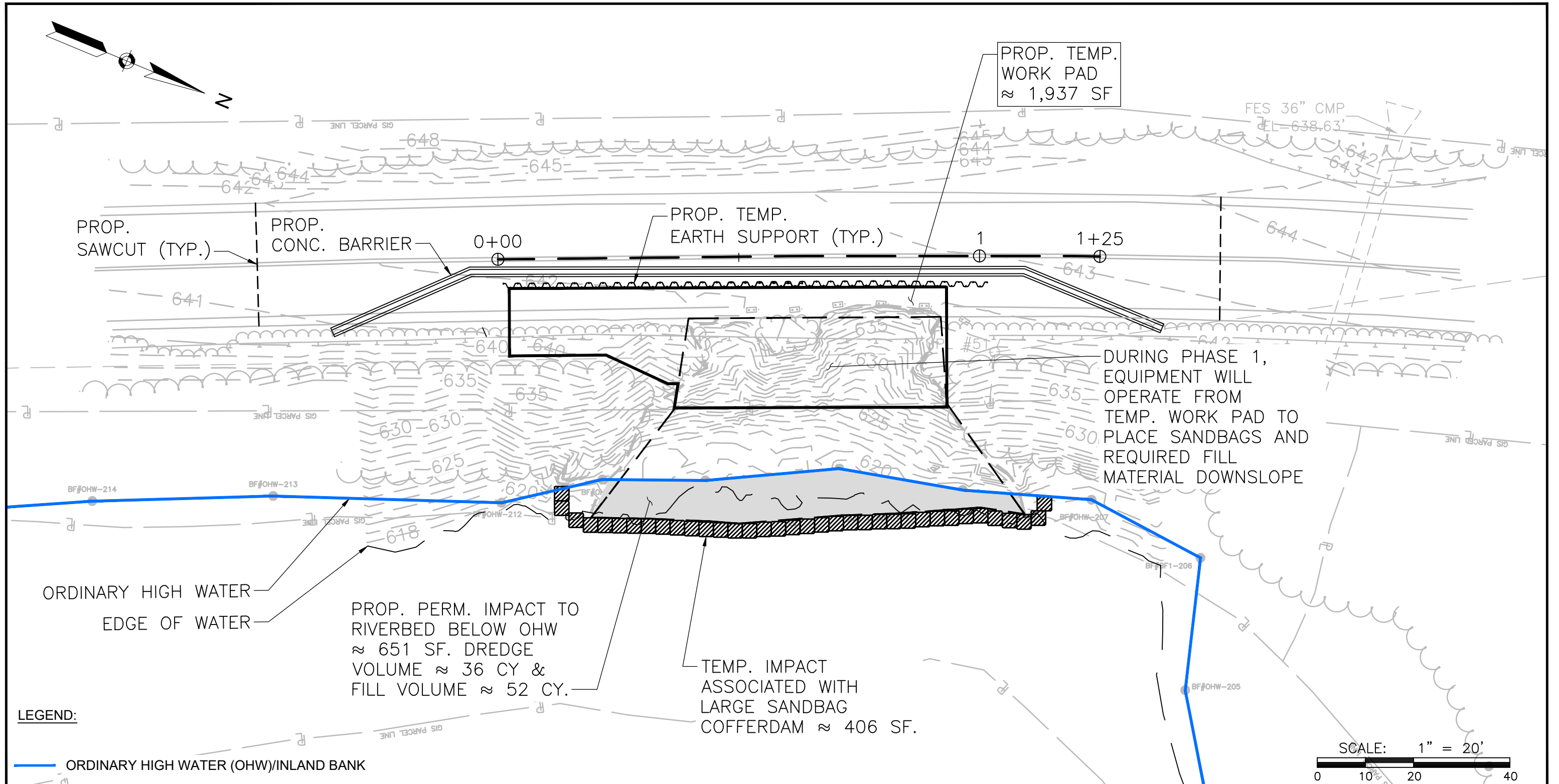
NOTE: THE ENTIRE PROJECT AREA FOOTPRINT IS LOCATED WITHIN THE 100-FOOT BUFFER, AND THE 200-FOOT RIVERFRONT AREA (RFA).

LEGEND:

— ORDINARY HIGH WATER (OHW)/INLAND BANK



<p>PREPARED FOR:</p> <p>TOWN OF COLRAIN 55 MAIN ROAD COLRAIN, MA 01340</p>	<p>Source:</p> <p>EXISTING CONDITIONS</p> <p>SLOPE STABILIZATION JACKSONVILLE ROAD COLRAIN, MA FRANKLIN COUNTY</p>	<p>Job No.: 28498.00 Date: 11/30/2023</p> <p>Scale: N/A Revised: _____</p> <p>Description: EX. COND Figure: 3 OF 8</p>	 <p>803 Summer Street Boston, Massachusetts 02127 617 896 4300</p>
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LEGEND:

— ORDINARY HIGH WATER (OHW)/INLAND BANK

PREPARED FOR:

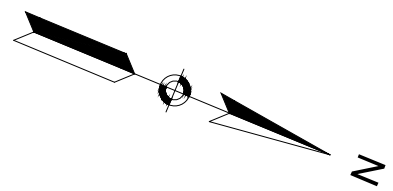
TOWN OF COLRAIN
55 MAIN ROAD
COLRAIN, MA 01340

PHASE 1 - LOWER SLOPE STABILIZATION
Source:

SLOPE STABILIZATION
JACKSONVILLE ROAD
COLRAIN, MA
FRANKLIN COUNTY

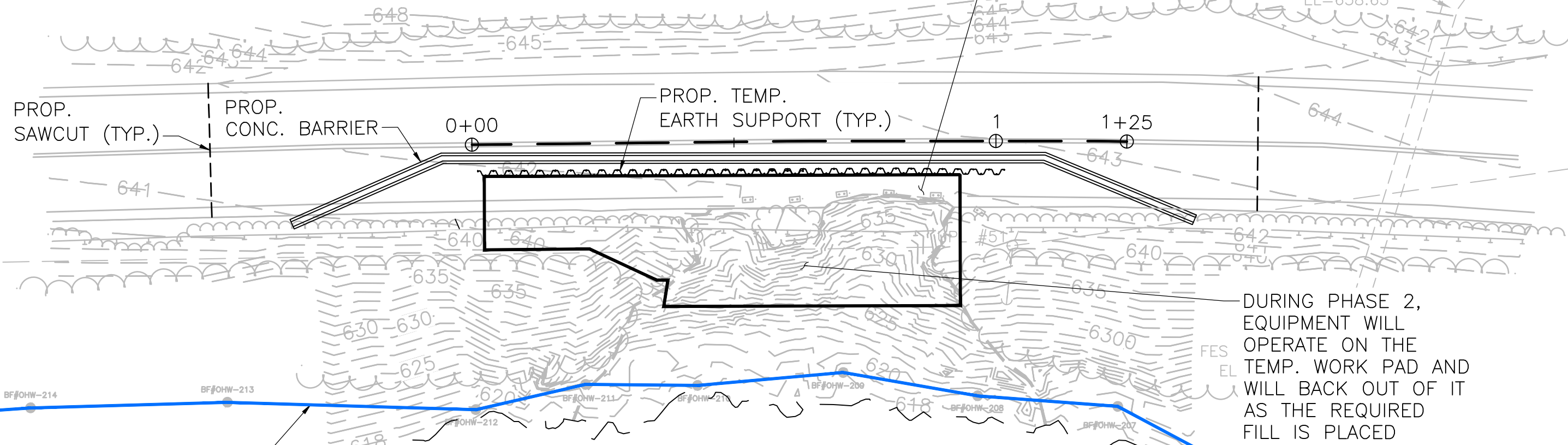
Job No.: 28498.00 Date: 11/30/2023
Scale: N/A Revised: _____
Description: PHASE 1 Figure: 4 OF 8

BSC GROUP
803 Summer Street
Boston, Massachusetts
02127
617 896 4300



PROP. TEMP.
WORK PAD
≈ 1,937 SF

FES 36" CMP
EL=638.63'

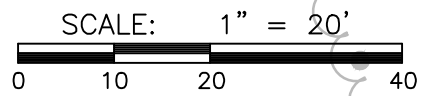



DURING PHASE 2,
EQUIPMENT WILL
OPERATE ON THE
TEMP. WORK PAD AND
WILL BACK OUT OF IT
AS THE REQUIRED
FILL IS PLACED

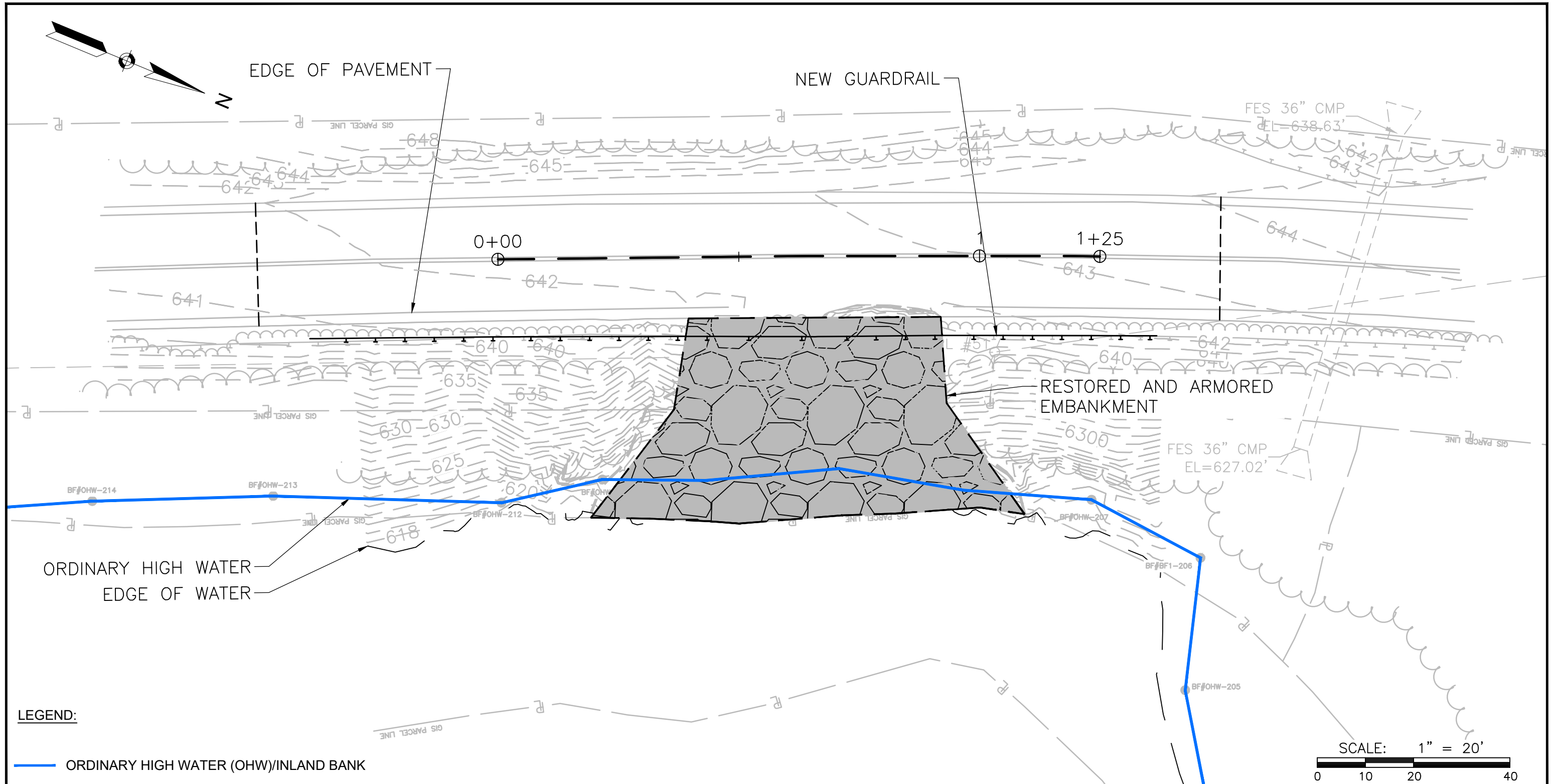
ORDINARY HIGH WATER
EDGE OF WATER

LEGEND:

— ORDINARY HIGH WATER (OHW)/INLAND BANK

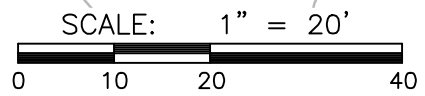



PREPARED FOR: TOWN OF COLRAIN 55 MAIN ROAD COLRAIN, MA 01340	<p style="text-align: center;">PHASE 2 - UPPER SLOPE STABILIZATION</p> <p>Source:</p> <p style="text-align: center;">SLOPE STABILIZATION JACKSONVILLE ROAD COLRAIN, MA FRANKLIN COUNTY</p>	Job No.: 28498.00 Date: 11/30/2023 Scale: N/A Revised: _____ Description: PHASE 2 Figure: 5 OF 8	 <p>803 Summer Street Boston, Massachusetts 02127 617 896 4300</p>
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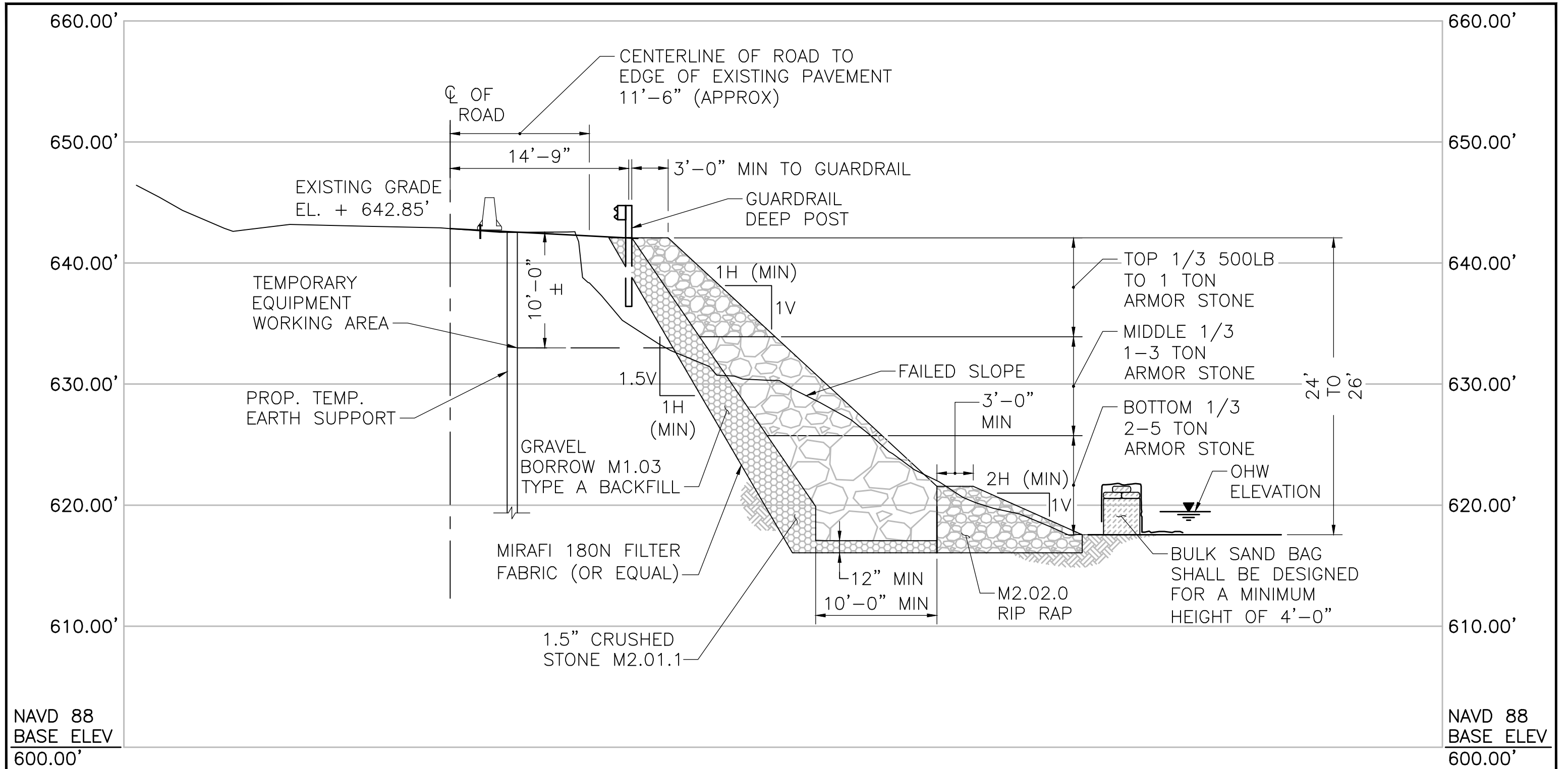


LEGEND:

— ORDINARY HIGH WATER (OHW)/INLAND BANK



<p>PREPARED FOR:</p> <p>TOWN OF COLRAIN 55 MAIN ROAD COLRAIN, MA 01340</p>	<p>PROPOSED FINAL CONDITION</p> <p>Source:</p> <p>SLOPE STABILIZATION JACKSONVILLE ROAD COLRAIN, MA FRANKLIN COUNTY</p>	<p>Job No.: 28498.00 Date: 11/30/2023</p> <p>Scale: N/A Revised: _____</p> <p>Description: PR Figure: 6 OF 8</p>	 <p>803 Summer Street Boston, Massachusetts 02127 617 896 4300</p>
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PREPARED FOR:

TOWN OF COLRAIN
55 MAIN ROAD
COLRAIN, MA 01340

PROPOSED WALL ELEVATION

Source:

SLOPE STABILIZATION
JACKSONVILLE ROAD
COLRAIN, MA
FRANKLIN COUNTY

Job No.: 28498.00 Date: 11/30/2023

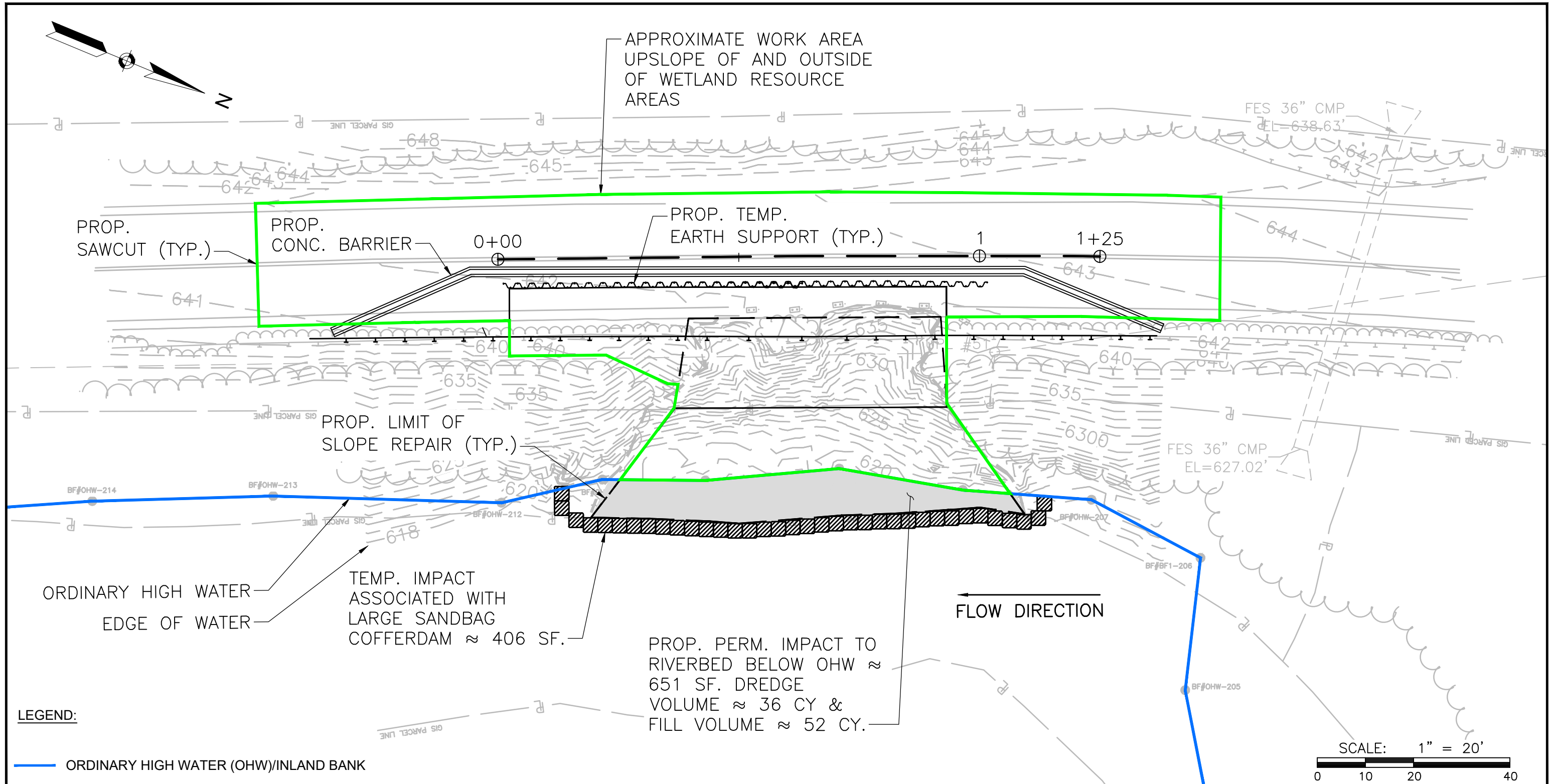
Scale: N/A Revised: _____

Description: X. SEC. Figure: 7 OF 8

BSC GROUP

803 Summer Street
Boston, Massachusetts
02127

617 896 4300



PREPARED FOR:

TOWN OF COLRAIN
55 MAIN ROAD
COLRAIN, MA 01340

SECTION 404 WETLAND RESOURCE IMPACTS

Source:

SLOPE STABILIZATION
JACKSONVILLE ROAD
COLRAIN, MA
FRANKLIN COUNTY

Job No.: 28498.00 Date: 11/30/2023

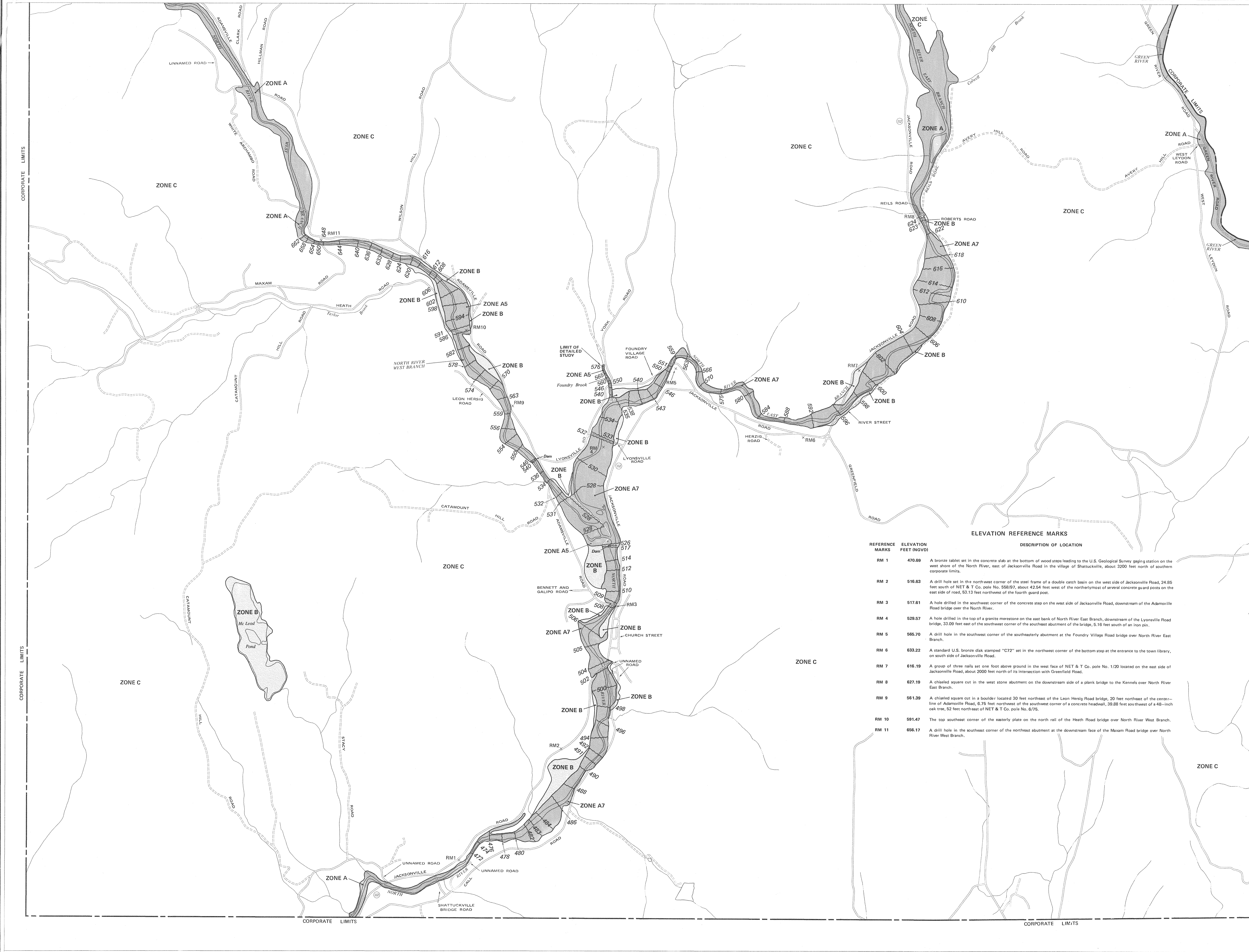
Scale: N/A Revised: _____

Description: IMPACTS Figure: 8 OF 8

BSC GROUP

803 Summer Street
Boston, Massachusetts
02127

617 896 4300



KEY TO MAP

500-Year Flood Boundary
 100-Year Flood Boundary
 Zone Delineations* With Date of Identification e.s., 12/27/74
 100-Year Flood Boundary With Elevation In Feet**
 500-Year Flood Boundary

Base Flood Elevation Line With Elevation In Feet** (EL 987)
 Base Flood Elevation In Feet Where Uniform Within Zone** (EL 987)
 Elevation Reference Mark RM7x
 River Mile M1.5

**Referenced to the National Geodetic Vertical Datum of 1929

***EXPLANATION OF ZONE DESIGNATIONS**

ZONE	EXPLANATION
A	Areas of 100-year flood; base flood elevations and flood hazard factors not determined.
A0	Areas of 100-year shallow flooding where depths are between one (1) and three (3) feet; average depth of inundation are shown, but no flood hazard factors are determined.
AH	Areas of 100-year shallow flooding where depths are between one (1) and three (3) feet; base flood elevations are shown, but no flood hazard factors are determined.
A1-A30	Areas of 100-year flood; base flood elevations and flood hazard factors determined.
A99	Areas of 100-year flood to be protected by flood protection system under construction; base flood elevations and flood hazard factors not determined.
B	Areas between limits of the 100-year flood and 500-year flood; or certain areas subject to 100-year flooding with average depths less than one (1) foot or where the contributing drainage area is less than one square mile; or areas protected by levees from the base flood. (Medium shading)
C	Areas of minimal flooding. (No shading)
D	Areas of undetermined, but possible, flood hazards.
V	Areas of 100-year coastal flood with velocity (wave action); base flood elevations and flood hazard factors not determined.
V1-V30	Areas of 100-year coastal flood with velocity (wave action); base flood elevations and flood hazard factors determined.

NOTES TO USER

Certain areas not in the special flood hazard areas (zones A and V) may be protected by flood control structures.
 This map is for flood insurance purposes only; it does not necessarily show all areas subject to flooding in the community or all planimetric features outside special flood hazard areas.
 For adjoining map panels, see separately printed Index To Map Panels.

INITIAL IDENTIFICATION:
 JULY 26, 1976

FLOOD HAZARD BOUNDARY MAP REVISIONS:
 AUGUST 27, 1976

FLOOD INSURANCE RATE MAP EFFECTIVE:
 JULY 2, 1980

FLOOD INSURANCE RATE MAP REVISIONS:

ELEVATION REFERENCE MARKS

REFERENCE MARKS	ELEVATION FEET (NGVD)	DESCRIPTION OF LOCATION
RM 1	470.69	A bronze tablet set in the concrete slab at the bottom of wood steps leading to the U.S. Geological Survey paging station on the west shore of the North River, east of Jacksonville Road in the village of Shattuckville, about 3200 feet north of southern corporate limits.
RM 2	516.63	A drill hole set in the northwest corner of the steel frame of a double catch basin on the west side of Jacksonville Road, 24.85 feet south of NET & T Co. pole No. 558/97, about 42.54 feet west of the northerlymost of several concrete guard posts on the east side of road, 53.13 feet northwest of the fourth guard post.
RM 3	517.61	A hole drilled in the southwest corner of the concrete step on the west side of Jacksonville Road, downstream of the Adamsville Road bridge over the North River.
RM 4	529.57	A hole drilled in the top of a granite masonry on the east bank of North River East Branch, downstream of the Lyonsville Road bridge, 33.09 feet east of the southwest corner of the southeast abutment of the bridge, 5.16 feet south of an iron pin.
RM 5	566.70	A drill hole in the southwest corner of the southeasterly abutment at the Foundry Village Road bridge over North River East Branch.
RM 6	633.22	A standard U.S. bronze disk stamped "C72" set in the northwest corner of the bottom step at the entrance to the town library, on south side of Jacksonville Road.
RM 7	616.19	A group of three nails set one foot above ground in the west face of NET & T Co. pole No. 1/20 located on the east side of Jacksonville Road, about 2000 feet north of its intersection with Greenfield Road.
RM 8	627.19	A chiseled square cut in the west stone abutment on the downstream side of a plank bridge to the Kennels over North River East Branch.
RM 9	561.39	A chiseled square cut in a boulder located 30 feet northeast of the Leon Hersig Road bridge, 20 feet northeast of the centerline of Adamsville Road, 6.75 feet northwest of the southwest corner of a concrete headwall, 39.88 feet southwest of a 48-inch oak tree, 52 feet northeast of NET & T Co. pole No. 6/75.
RM 10	591.47	The top southeast corner of the easterly plate on the north rail of the Heath Road bridge over North River West Branch.
RM 11	656.17	A drill hole in the southeast corner of the northeast abutment at the downstream face of the Maxam Road bridge over North River West Branch.

REFER TO THE CONVERSION TO REGULAR PROGRAM date shown on this map to determine when actuarial rates apply to structures in the zones where elevations or depths have been established.

To determine if flood insurance is available in this community, contact your insurance agent, or call the National Flood Insurance Program, at (800) 638-6620, or (800) 424-8872.

APPROXIMATE SCALE
 1000 0 1000 FEET

NATIONAL FLOOD INSURANCE PROGRAM

FIRM FLOOD INSURANCE RATE MAP

TOWN OF COLRAIN, MASSACHUSETTS FRANKLIN COUNTY

PANEL 10 OF 15 (SEE MAP INDEX FOR PANELS NOT PRINTED)

COMMUNITY-PANEL NUMBER 250113 0010 B

EFFECTIVE DATE: JULY 2, 1980

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FEDERAL INSURANCE ADMINISTRATION



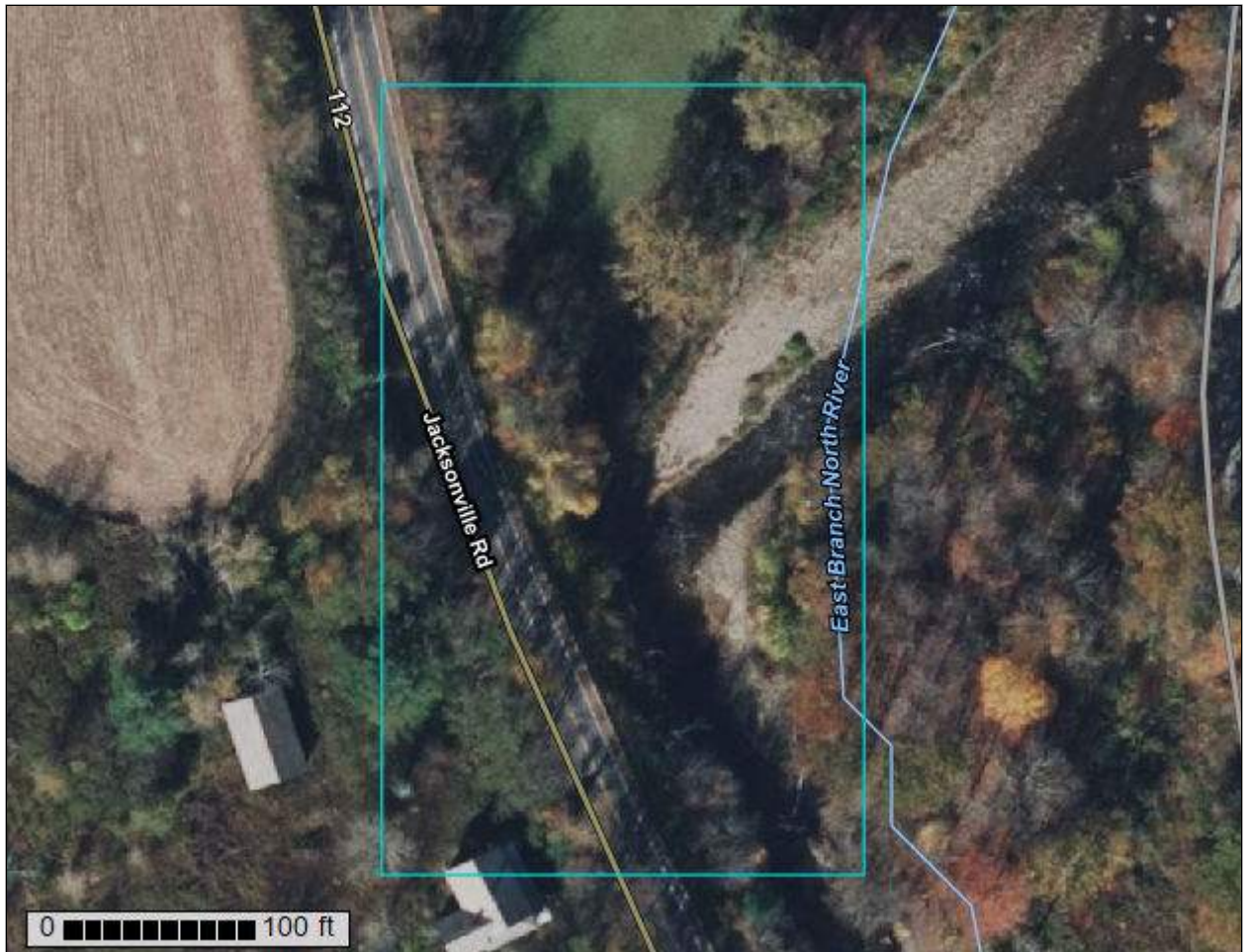
United States
Department of
Agriculture

NRCS

Natural
Resources
Conservation
Service

A product of the National
Cooperative Soil Survey,
a joint effort of the United
States Department of
Agriculture and other
Federal agencies, State
agencies including the
Agricultural Experiment
Stations, and local
participants

Custom Soil Resource Report for Franklin County, Massachusetts



Preface

Soil surveys contain information that affects land use planning in survey areas. They highlight soil limitations that affect various land uses and provide information about the properties of the soils in the survey areas. Soil surveys are designed for many different users, including farmers, ranchers, foresters, agronomists, urban planners, community officials, engineers, developers, builders, and home buyers. Also, conservationists, teachers, students, and specialists in recreation, waste disposal, and pollution control can use the surveys to help them understand, protect, or enhance the environment.

Various land use regulations of Federal, State, and local governments may impose special restrictions on land use or land treatment. Soil surveys identify soil properties that are used in making various land use or land treatment decisions. The information is intended to help the land users identify and reduce the effects of soil limitations on various land uses. The landowner or user is responsible for identifying and complying with existing laws and regulations.

Although soil survey information can be used for general farm, local, and wider area planning, onsite investigation is needed to supplement this information in some cases. Examples include soil quality assessments (<http://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/health/>) and certain conservation and engineering applications. For more detailed information, contact your local USDA Service Center (<https://offices.sc.egov.usda.gov/locator/app?agency=nrcs>) or your NRCS State Soil Scientist (http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2_053951).

Great differences in soil properties can occur within short distances. Some soils are seasonally wet or subject to flooding. Some are too unstable to be used as a foundation for buildings or roads. Clayey or wet soils are poorly suited to use as septic tank absorption fields. A high water table makes a soil poorly suited to basements or underground installations.

The National Cooperative Soil Survey is a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local agencies. The Natural Resources Conservation Service (NRCS) has leadership for the Federal part of the National Cooperative Soil Survey.

Information about soils is updated periodically. Updated information is available through the NRCS Web Soil Survey, the site for official soil survey information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or a part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require

alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

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Soil Map.....	9
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Franklin County, Massachusetts.....	13
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2A—Pootatuck very fine sandy loam, 0 to 3 percent slopes, occasionally flooded.....	13
97A—Suncook loamy sand, 0 to 3 percent slopes, occasionally flooded...	14
254B—Merrimac fine sandy loam, 3 to 8 percent slopes.....	16
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How Soil Surveys Are Made

Soil surveys are made to provide information about the soils and miscellaneous areas in a specific area. They include a description of the soils and miscellaneous areas and their location on the landscape and tables that show soil properties and limitations affecting various uses. Soil scientists observed the steepness, length, and shape of the slopes; the general pattern of drainage; the kinds of crops and native plants; and the kinds of bedrock. They observed and described many soil profiles. A soil profile is the sequence of natural layers, or horizons, in a soil. The profile extends from the surface down into the unconsolidated material in which the soil formed or from the surface down to bedrock. The unconsolidated material is devoid of roots and other living organisms and has not been changed by other biological activity.

Currently, soils are mapped according to the boundaries of major land resource areas (MLRAs). MLRAs are geographically associated land resource units that share common characteristics related to physiography, geology, climate, water resources, soils, biological resources, and land uses (USDA, 2006). Soil survey areas typically consist of parts of one or more MLRA.

The soils and miscellaneous areas in a survey area occur in an orderly pattern that is related to the geology, landforms, relief, climate, and natural vegetation of the area. Each kind of soil and miscellaneous area is associated with a particular kind of landform or with a segment of the landform. By observing the soils and miscellaneous areas in the survey area and relating their position to specific segments of the landform, a soil scientist develops a concept, or model, of how they were formed. Thus, during mapping, this model enables the soil scientist to predict with a considerable degree of accuracy the kind of soil or miscellaneous area at a specific location on the landscape.

Commonly, individual soils on the landscape merge into one another as their characteristics gradually change. To construct an accurate soil map, however, soil scientists must determine the boundaries between the soils. They can observe only a limited number of soil profiles. Nevertheless, these observations, supplemented by an understanding of the soil-vegetation-landscape relationship, are sufficient to verify predictions of the kinds of soil in an area and to determine the boundaries.

Soil scientists recorded the characteristics of the soil profiles that they studied. They noted soil color, texture, size and shape of soil aggregates, kind and amount of rock fragments, distribution of plant roots, reaction, and other features that enable them to identify soils. After describing the soils in the survey area and determining their properties, the soil scientists assigned the soils to taxonomic classes (units). Taxonomic classes are concepts. Each taxonomic class has a set of soil characteristics with precisely defined limits. The classes are used as a basis for comparison to classify soils systematically. Soil taxonomy, the system of taxonomic classification used in the United States, is based mainly on the kind and character of soil properties and the arrangement of horizons within the profile. After the soil

Custom Soil Resource Report

scientists classified and named the soils in the survey area, they compared the individual soils with similar soils in the same taxonomic class in other areas so that they could confirm data and assemble additional data based on experience and research.

The objective of soil mapping is not to delineate pure map unit components; the objective is to separate the landscape into landforms or landform segments that have similar use and management requirements. Each map unit is defined by a unique combination of soil components and/or miscellaneous areas in predictable proportions. Some components may be highly contrasting to the other components of the map unit. The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The delineation of such landforms and landform segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, onsite investigation is needed to define and locate the soils and miscellaneous areas.

Soil scientists make many field observations in the process of producing a soil map. The frequency of observation is dependent upon several factors, including scale of mapping, intensity of mapping, design of map units, complexity of the landscape, and experience of the soil scientist. Observations are made to test and refine the soil-landscape model and predictions and to verify the classification of the soils at specific locations. Once the soil-landscape model is refined, a significantly smaller number of measurements of individual soil properties are made and recorded. These measurements may include field measurements, such as those for color, depth to bedrock, and texture, and laboratory measurements, such as those for content of sand, silt, clay, salt, and other components. Properties of each soil typically vary from one point to another across the landscape.

Observations for map unit components are aggregated to develop ranges of characteristics for the components. The aggregated values are presented. Direct measurements do not exist for every property presented for every map unit component. Values for some properties are estimated from combinations of other properties.

While a soil survey is in progress, samples of some of the soils in the area generally are collected for laboratory analyses and for engineering tests. Soil scientists interpret the data from these analyses and tests as well as the field-observed characteristics and the soil properties to determine the expected behavior of the soils under different uses. Interpretations for all of the soils are field tested through observation of the soils in different uses and under different levels of management. Some interpretations are modified to fit local conditions, and some new interpretations are developed to meet local needs. Data are assembled from other sources, such as research information, production records, and field experience of specialists. For example, data on crop yields under defined levels of management are assembled from farm records and from field or plot experiments on the same kinds of soil.

Predictions about soil behavior are based not only on soil properties but also on such variables as climate and biological activity. Soil conditions are predictable over long periods of time, but they are not predictable from year to year. For example, soil scientists can predict with a fairly high degree of accuracy that a given soil will have a high water table within certain depths in most years, but they cannot predict that a high water table will always be at a specific level in the soil on a specific date.

After soil scientists located and identified the significant natural bodies of soil in the survey area, they drew the boundaries of these bodies on aerial photographs and

Custom Soil Resource Report

identified each as a specific map unit. Aerial photographs show trees, buildings, fields, roads, and rivers, all of which help in locating boundaries accurately.

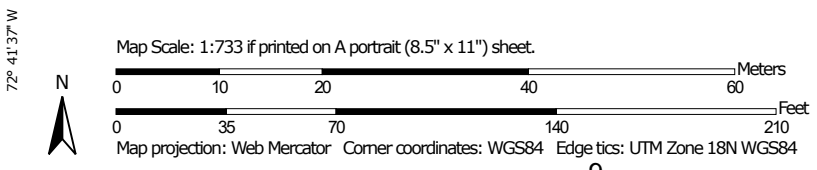
Soil Map

The soil map section includes the soil map for the defined area of interest, a list of soil map units on the map and extent of each map unit, and cartographic symbols displayed on the map. Also presented are various metadata about data used to produce the map, and a description of each soil map unit.

Custom Soil Resource Report Soil Map



Soil Map may not be valid at this scale.



MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)




















Soils







 Soil Map Unit Polygons

 Soil Map Unit Lines


 Soil Map Unit Points

Special Point Features






-  Blowout
-  Borrow Pit
-  Clay Spot
-  Closed Depression
-  Gravel Pit
-  Gravelly Spot
-  Landfill
-  Lava Flow
-  Marsh or swamp
-  Mine or Quarry
-  Miscellaneous Water
-  Perennial Water
-  Rock Outcrop
-  Saline Spot
-  Sandy Spot
-  Severely Eroded Spot
-  Sinkhole
-  Slide or Slip
-  Sodic Spot

-  Spoil Area
-  Stony Spot
-  Very Stony Spot
-  Wet Spot
-  Other
-  Special Line Features


Water Features

 Streams and Canals

Transportation

-  Rails
-  Interstate Highways
-  US Routes
-  Major Roads
-  Local Roads

Background

 Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:12,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
 Web Soil Survey URL:
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Franklin County, Massachusetts
 Survey Area Data: Version 18, Sep 12, 2023

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Oct 15, 2020—Oct 31, 2020

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
1	Water	0.6	23.3%
2A	Pootatuck very fine sandy loam, 0 to 3 percent slopes, occasionally flooded	0.1	4.5%
97A	Suncook loamy sand, 0 to 3 percent slopes, occasionally flooded	0.2	8.8%
254B	Merrimac fine sandy loam, 3 to 8 percent slopes	1.5	63.5%
Totals for Area of Interest		2.4	100.0%

Map Unit Descriptions

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

Custom Soil Resource Report

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however, onsite investigation is needed to define and locate the soils and miscellaneous areas.

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

Franklin County, Massachusetts

1—Water

Map Unit Setting

National map unit symbol: bpfr
Elevation: 0 to 1,970 feet
Mean annual precipitation: 32 to 50 inches
Mean annual air temperature: 45 to 50 degrees F
Frost-free period: 120 to 200 days
Farmland classification: Not prime farmland

Map Unit Composition

Water: 100 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

2A—Pootatuck very fine sandy loam, 0 to 3 percent slopes, occasionally flooded

Map Unit Setting

National map unit symbol: 9c46
Elevation: 100 to 980 feet
Mean annual precipitation: 37 to 51 inches
Mean annual air temperature: 37 to 59 degrees F
Frost-free period: 135 to 182 days
Farmland classification: All areas are prime farmland

Map Unit Composition

Pootatuck, occasionally flooded, and similar soils: 88 percent
Minor components: 12 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Pootatuck, Occasionally Flooded

Setting

Landform: Flood plains, terraces
Landform position (three-dimensional): Tread, rise
Down-slope shape: Linear
Across-slope shape: Convex
Parent material: Loamy alluvium over sandy alluvium

Typical profile

Ap - 0 to 9 inches: very fine sandy loam
Bw - 9 to 21 inches: fine sandy loam
BC - 21 to 28 inches: fine sandy loam
C - 28 to 44 inches: loamy fine sand
Cg - 44 to 52 inches: loamy fine sand
C' - 52 to 65 inches: loamy fine sand

Properties and qualities

Slope: 0 to 3 percent
Depth to restrictive feature: More than 80 inches

Custom Soil Resource Report

Drainage class: Moderately well drained
Runoff class: High
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high
(0.60 to 6.00 in/hr)
Depth to water table: About 19 to 23 inches
Frequency of flooding: Occasional
Frequency of ponding: None
Available water supply, 0 to 60 inches: Moderate (about 8.1 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 2w
Hydrologic Soil Group: B/D
Ecological site: F144AY012CT - Sandy Low Floodplain
Hydric soil rating: No

Minor Components

Limerick, frequently flooded

Percent of map unit: 5 percent
Landform: Terraces, flood plains
Landform position (three-dimensional): Tread, dip
Down-slope shape: Linear
Across-slope shape: Linear, concave
Hydric soil rating: Yes

Occum, occasionally flooded

Percent of map unit: 5 percent
Landform: Flood plains, terraces
Landform position (three-dimensional): Tread, rise
Down-slope shape: Linear
Across-slope shape: Linear
Hydric soil rating: No

Winooski, occasionally flooded

Percent of map unit: 2 percent
Landform: Terraces, flood plains
Landform position (three-dimensional): Tread, dip
Down-slope shape: Linear, concave
Across-slope shape: Linear, concave
Hydric soil rating: No

97A—Suncook loamy sand, 0 to 3 percent slopes, occasionally flooded

Map Unit Setting

National map unit symbol: 9cbs
Elevation: 100 to 730 feet
Mean annual precipitation: 37 to 51 inches
Mean annual air temperature: 37 to 59 degrees F
Frost-free period: 135 to 182 days
Farmland classification: Farmland of statewide importance

Map Unit Composition

Suncook, occasionally flooded, and similar soils: 90 percent

Minor components: 10 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Suncook, Occasionally Flooded

Setting

Landform: Flood plains, terraces

Landform position (three-dimensional): Tread, rise

Down-slope shape: Linear

Across-slope shape: Linear

Parent material: Sandy alluvium

Typical profile

A - 0 to 2 inches: loamy sand

C1 - 2 to 3 inches: sand

Ab - 3 to 6 inches: loamy fine sand

C2 - 6 to 14 inches: fine sand

C3 - 14 to 20 inches: loamy fine sand

C4 - 20 to 24 inches: sand

C5 - 24 to 35 inches: fine sand

C6 - 35 to 41 inches: loamy fine sand

C7 - 41 to 47 inches: fine sand

C8 - 47 to 54 inches: loamy fine sand

C9 - 54 to 65 inches: fine sand

Properties and qualities

Slope: 0 to 3 percent

Depth to restrictive feature: More than 80 inches

Drainage class: Excessively drained

Runoff class: Very low

Capacity of the most limiting layer to transmit water (Ksat): High to very high (6.00 to 99.90 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: Occasional

Frequency of ponding: None

Available water supply, 0 to 60 inches: Low (about 4.4 inches)

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 3s

Hydrologic Soil Group: A

Ecological site: F144AY006CT - High Floodplain Levee

Hydric soil rating: No

Minor Components

Occum, occasionally flooded

Percent of map unit: 10 percent

Landform: Terraces, flood plains

Landform position (three-dimensional): Tread, rise

Down-slope shape: Linear

Across-slope shape: Linear

Hydric soil rating: No

254B—Merrimac fine sandy loam, 3 to 8 percent slopes

Map Unit Setting

National map unit symbol: 2tyqs
Elevation: 0 to 1,290 feet
Mean annual precipitation: 36 to 71 inches
Mean annual air temperature: 39 to 55 degrees F
Frost-free period: 140 to 240 days
Farmland classification: All areas are prime farmland

Map Unit Composition

Merrimac and similar soils: 85 percent
Minor components: 15 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Merrimac

Setting

Landform: Outwash plains, outwash terraces, moraines, eskers, kames
Landform position (two-dimensional): Summit, shoulder, backslope, footslope
Landform position (three-dimensional): Side slope, crest, riser, tread
Down-slope shape: Convex
Across-slope shape: Convex
Parent material: Loamy glaciofluvial deposits derived from granite, schist, and gneiss over sandy and gravelly glaciofluvial deposits derived from granite, schist, and gneiss

Typical profile

Ap - 0 to 10 inches: fine sandy loam
Bw1 - 10 to 22 inches: fine sandy loam
Bw2 - 22 to 26 inches: stratified gravel to gravelly loamy sand
2C - 26 to 65 inches: stratified gravel to very gravelly sand

Properties and qualities

Slope: 3 to 8 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Somewhat excessively drained
Runoff class: Very low
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to very high (1.42 to 99.90 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 2 percent
Maximum salinity: Nonsaline (0.0 to 1.4 mmhos/cm)
Sodium adsorption ratio, maximum: 1.0
Available water supply, 0 to 60 inches: Low (about 4.6 inches)

Interpretive groups

Land capability classification (irrigated): None specified

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Land capability classification (nonirrigated): 2s
Hydrologic Soil Group: A
Ecological site: F145XY008MA - Dry Outwash
Hydric soil rating: No

Minor Components

Sudbury

Percent of map unit: 5 percent
Landform: Deltas, terraces, outwash plains
Landform position (two-dimensional): Footslope
Landform position (three-dimensional): Tread, dip
Down-slope shape: Concave
Across-slope shape: Linear
Hydric soil rating: No

Hinckley

Percent of map unit: 5 percent
Landform: Deltas, kames, eskers, outwash plains
Landform position (two-dimensional): Summit, shoulder, backslope
Landform position (three-dimensional): Head slope, nose slope, side slope, crest, rise
Down-slope shape: Convex
Across-slope shape: Convex, linear
Hydric soil rating: No

Windsor

Percent of map unit: 3 percent
Landform: Outwash terraces, dunes, deltas, outwash plains
Landform position (two-dimensional): Shoulder
Landform position (three-dimensional): Tread, riser
Down-slope shape: Linear, convex
Across-slope shape: Linear, convex
Hydric soil rating: No

Agawam

Percent of map unit: 2 percent
Landform: Outwash plains, outwash terraces, moraines, stream terraces, eskers, kames
Landform position (three-dimensional): Rise
Down-slope shape: Convex
Across-slope shape: Convex
Hydric soil rating: No

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- United States Department of Agriculture, Natural Resources Conservation Service. National range and pasture handbook. <http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/landuse/rangepasture/?cid=stelprdb1043084>

Custom Soil Resource Report

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Jacksonville Road Embankment Failure Repair Project
Colrain, MA
SVN

Attachment B: Site Photos



Photo #1: View of the Jacksonville Road which has one lane closed as a result of the embankment failure. *Facing northwest.*



Photo #2: View of the collapsed section of the embankment. *Facing north.*



Photo #3: Another view of the collapsed embankment. The soil around the posts of the guardrails is completely gone. *Facing southeast.*



Photo #4: View of the collapsed embankment from below. *Facing west.*



Photo #5: View of the embankment upstream of the collapsed section. *Facing north.*



Photo #6: View of the embankment downstream of the collapsed section. *Facing southeast.*



Photo #7: View of the river upstream of the collapsed section of the embankment. *Facing northeast.*



Photo #8: View of the entire exposed area resulting from the embankment failure. *Facing south.*



Photo #9: View of the exposed area resulting from the embankment failure. *Facing northwest.*

Jacksonville Road Embankment Failure Repair Project
Colrain, MA
SVN

Attachment C: Abutters

prop_id	site_addr	owner1	own_addr	own_city	own_state	own_zip
1310-0002-00000	146 JACKSONVILLE RD	CASA BONUM, LLC	73 RHODODENDRON DR.	STONY BROOK	NY	11790
1310-0005-00000	0 REILS LN	ROBERTS INVESMENT TRUST	14 ROBERTS LANE	COLRAIN	MA	01340
1300-0007-00000	14 ROBERTS LN	ROBERTS INVESMENT TRUST	14 ROBERTS LANE	COLRAIN	MA	01340
1300-0005-00000	0 JACKSONVILLE RD	CASA BONUM, LLC	73 RHODODENDRON DR.	STONY BROOK	NY	11790
1300-0008-00000	0 JACKSONVILLE RD	CASA BONUM, LLC	73 RHODODENDRON DR.	STONY BROOK	NY	11790
1310-0006-00000	0 REILS BRIDGE	DONELSON RUSSELL E & CARMEN F	61 SUMNER STETSON RD	COLRAIN	MA	01340
1310-0001-00000	140 JACKSONVILLE RD	GABAREE JEREMY S	PO BOX 83	COLRAIN	MA	01340
1300-0006-00000	2 ROBERTS LN	ROBERTS INVESMENT TRUST	14 ROBERTS LANE	COLRAIN	MA	01340
4160-0003-00000	0 REILS LN	CERSOSIMO INDUSTRIES INC	439 WEST RIVER RD	BRATTLEBORO	VT	05301
1310-0004-00000	0 JACKSONVILLE RD	CASA BONUM, LLC	73 RHODODENDRON DR.	STONY BROOK	NY	11790
1310-0003-00000	0 JACKSONVILLE RD	CASA BONUM, LLC	73 RHODODENDRON DR.	STONY BROOK	NY	11790
1310-0008-00000	8 REILS LN	BIGELOW KENNETH D & DIANE E	8 RIELS LANE	COLRAIN	MA	01340

Jacksonville Road Embankment Failure Repair Project
Colrain, MA
SVN

Attachment D: iPac Report



United States Department of the Interior



FISH AND WILDLIFE SERVICE
New England Ecological Services Field Office
70 Commercial Street, Suite 300
Concord, NH 03301-5094
Phone: (603) 223-2541 Fax: (603) 223-0104

In Reply Refer To:
Project code: 2023-0104016
Project Name: Jacksonville Rd Embankment Failure Repair Project

September 25, 2023

Federal Nexus: yes
Federal Action Agency (if applicable): Army Corps of Engineers

Subject: Record of project representative's no effect determination for 'Jacksonville Rd Embankment Failure Repair Project'

Dear Amanda Smith:

This letter records your determination using the Information for Planning and Consultation (IPaC) system provided to the U.S. Fish and Wildlife Service (Service) on September 25, 2023, for 'Jacksonville Rd Embankment Failure Repair Project' (here forward, Project). This project has been assigned Project Code 2023-0104016 and all future correspondence should clearly reference this number. **Please carefully review this letter.**

Ensuring Accurate Determinations When Using IPaC

The Service developed the IPaC system and associated species' determination keys in accordance with the Endangered Species Act of 1973 (ESA; 87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) and based on a standing analysis. All information submitted by the Project proponent into IPaC must accurately represent the full scope and details of the Project.

Failure to accurately represent or implement the Project as detailed in IPaC or the Northern Long-eared Bat Rangewide Determination Key (Dkey), invalidates this letter. ***Answers to certain questions in the DKey commit the project proponent to implementation of conservation measures that must be followed for the ESA determination to remain valid.***

Determination for the Northern Long-Eared Bat

Based upon your IPaC submission and a standing analysis, your project has reached the determination of "No Effect" on the northern long-eared bat. To make a no effect determination, the full scope of the proposed project implementation (action) should not have any effects (either positive or negative), to a federally listed species or designated critical habitat. Effects of the action are all consequences to listed species or critical habitat that are caused by the proposed

action, including the consequences of other activities that are caused by the proposed action. A consequence is caused by the proposed action if it would not occur but for the proposed action and it is reasonably certain to occur. Effects of the action may occur later in time and may include consequences occurring outside the immediate area involved in the action. (See § 402.17).

Under Section 7 of the ESA, if a federal action agency makes a no effect determination, no consultation with the Service is required (ESA §7). If a proposed Federal action may affect a listed species or designated critical habitat, formal consultation is required except when the Service concurs, in writing, that a proposed action "is not likely to adversely affect" listed species or designated critical habitat [50 CFR §402.02, 50 CFR§402.13].

Other Species and Critical Habitat that May be Present in the Action Area

The IPaC-assisted determination for the northern long-eared bat does not apply to the following ESA-protected species and/or critical habitat that also may occur in your Action area:

- Monarch Butterfly *Danaus plexippus* Candidate

You may coordinate with our Office to determine whether the Action may affect the animal species listed above and, if so, how they may be affected.

Next Steps

Based upon your IPaC submission, your project has reached the determination of “No Effect” on the northern long-eared bat. If there are no updates on listed species, no further consultation/coordination for this project is required with respect to the northern long-eared bat. However, the Service recommends that project proponents re-evaluate the Project in IPaC if: 1) the scope, timing, duration, or location of the Project changes (includes any project changes or amendments); 2) new information reveals the Project may impact (positively or negatively) federally listed species or designated critical habitat; or 3) a new species is listed, or critical habitat designated. If any of the above conditions occurs, additional coordination with the Service should take place to ensure compliance with the Act.

If you have any questions regarding this letter or need further assistance, please contact the New England Ecological Services Field Office and reference Project Code 2023-0104016 associated with this Project.

Action Description

You provided to IPaC the following name and description for the subject Action.

1. Name

Jacksonville Rd Embankment Failure Repair Project

2. Description

The following description was provided for the project 'Jacksonville Rd Embankment Failure Repair Project':

Excavation, fill and bank armoring to repair an embankment failure into the river which has undermined a road.

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@42.6907635,-72.69277978017031,14z>



DETERMINATION KEY RESULT

Based on the information you provided, you have determined that the Proposed Action will have no effect on the Endangered northern long-eared bat (*Myotis septentrionalis*). Therefore, no consultation with the U.S. Fish and Wildlife Service pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (87 Stat. 884, as amended 16 U.S.C. 1531 *et seq.*) is required for those species.

QUALIFICATION INTERVIEW

1. Does the proposed project include, or is it reasonably certain to cause, intentional take of the northern long-eared bat or any other listed species?

Note: Intentional take is defined as take that is the intended result of a project. Intentional take could refer to research, direct species management, surveys, and/or studies that include intentional handling/encountering, harassment, collection, or capturing of any individual of a federally listed threatened, endangered or proposed species?

No

2. Do you have post-white nose syndrome occurrence data that indicates that northern long-eared bats (NLEB) are likely to be present in the action area?

Bat occurrence data may include identification of NLEBs in hibernacula, capture of NLEBs, tracking of NLEBs to roost trees, or confirmed acoustic detections. With this question, we are looking for data that, for some reason, may have not yet been made available to U.S. Fish and Wildlife Service.

No

3. Does any component of the action involve construction or operation of wind turbines?

Note: For federal actions, answer 'yes' if the construction or operation of wind power facilities is either (1) part of the federal action or (2) would not occur but for a federal agency action (federal permit, funding, etc.).

No

4. Is the proposed action authorized, permitted, licensed, funded, or being carried out by a Federal agency in whole or in part?

Yes

5. Is the Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), or Federal Transit Administration (FTA) funding or authorizing the proposed action, in whole or in part?

No

6. Are you an employee of the federal action agency or have you been officially designated in writing by the agency as its designated non-federal representative for the purposes of Endangered Species Act Section 7 informal consultation per 50 CFR § 402.08?

Note: This key may be used for federal actions and for non-federal actions to facilitate section 7 consultation and to help determine whether an incidental take permit may be needed, respectively. This question is for information purposes only.

No

7. Is the lead federal action agency the Environmental Protection Agency (EPA) or Federal Communications Commission (FCC)? Is the Environmental Protection Agency (EPA) or Federal Communications Commission (FCC) funding or authorizing the proposed action, in whole or in part?

No

8. Is the lead federal action agency the Federal Energy Regulatory Commission (FERC)?

No

9. Have you determined that your proposed action will have no effect on the northern long-eared bat? Remember to consider the [effects of any activities](#) that would not occur but for the proposed action.

If you think that the northern long-eared bat may be affected by your project or if you would like assistance in deciding, answer “No” below and continue through the key. If you have determined that the northern long-eared bat does not occur in your project’s action area and/or that your project will have no effects whatsoever on the species despite the potential for it to occur in the action area, you may make a “no effect” determination for the northern long-eared bat.

Note: Federal agencies (or their designated non-federal representatives) must consult with USFWS on federal agency actions that may affect listed species [50 CFR 402.14(a)]. Consultation is not required for actions that will not affect listed species or critical habitat. Therefore, this determination key will not provide a consistency or verification letter for actions that will not affect listed species. If you believe that the northern long-eared bat may be affected by your project or if you would like assistance in deciding, please answer “No” and continue through the key. Remember that this key addresses only effects to the northern long-eared bat. Consultation with USFWS would be required if your action may affect another listed species or critical habitat. The definition of [Effects of the Action](#) can be found here: <https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>

Yes

PROJECT QUESTIONNAIRE

Will all project activities be completed by April 1, 2024?

No

IPAC USER CONTACT INFORMATION

Agency: Concord town
Name: Amanda Smith
Address: 1 Mercantile Street
Address Line 2: Suite 610
City: Worcester
State: MA
Zip: 01608
Email: asmith@bscgroup.com
Phone: 4138879819

LEAD AGENCY CONTACT INFORMATION

Lead Agency: Army Corps of Engineers



United States Department of the Interior



FISH AND WILDLIFE SERVICE
New England Ecological Services Field Office
70 Commercial Street, Suite 300
Concord, NH 03301-5094
Phone: (603) 223-2541 Fax: (603) 223-0104

In Reply Refer To:
Project Code: 2023-0104016
Project Name: Jacksonville Rd Embankment Failure Repair Project

September 25, 2023

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

Updated 4/12/2023 - Please review this letter each time you request an Official Species List, we will continue to update it with additional information and links to websites may change.

About Official Species Lists

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Federal and non-Federal project proponents have responsibilities under the Act to consider effects on listed species.

The enclosed species list identifies threatened, endangered, proposed, and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 et seq.).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. The Service recommends that verification be completed by visiting the IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested by returning to an existing project's page in IPaC.

Endangered Species Act Project Review

Please visit the “**New England Field Office Endangered Species Project Review and Consultation**” website for step-by-step instructions on how to consider effects on listed

species and prepare and submit a project review package if necessary:

<https://www.fws.gov/office/new-england-ecological-services/endangered-species-project-review>

NOTE Please do not use the **Consultation Package Builder** tool in IPaC except in specific situations following coordination with our office. Please follow the project review guidance on our website instead and reference your **Project Code** in all correspondence.

Northern Long-eared Bat - (Updated 4/12/2023) The Service published a final rule to reclassify the northern long-eared bat (NLEB) as endangered on November 30, 2022. The final rule went into effect on March 31, 2023. You may utilize the **Northern Long-eared Bat Rangewide Determination Key** available in IPaC. More information about this Determination Key and the Interim Consultation Framework are available on the northern long-eared bat species page:

<https://www.fws.gov/species/northern-long-eared-bat-myotis-septentrionalis>

For projects that previously utilized the 4(d) Determination Key, the change in the species' status may trigger the need to re-initiate consultation for any actions that are not completed and for which the Federal action agency retains discretion once the new listing determination becomes effective. If your project was not completed by March 31, 2023, and may result in incidental take of NLEB, please reach out to our office at newengland@fws.gov to see if reinitiation is necessary.

Additional Info About Section 7 of the Act

Under section 7(a)(2) of the Act and its implementing regulations (50 CFR 402 et seq.), Federal agencies are required to determine whether projects may affect threatened and endangered species and/or designated critical habitat. If a Federal agency, or its non-Federal representative, determines that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Federal agency also may need to consider proposed species and proposed critical habitat in the consultation. 50 CFR 402.14(c)(1) specifies the information required for consultation under the Act regardless of the format of the evaluation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<https://www.fws.gov/service/section-7-consultations>

In addition to consultation requirements under Section 7(a)(2) of the ESA, please note that under sections 7(a)(1) of the Act and its implementing regulations (50 CFR 402 et seq.), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species. Please contact NEFO if you would like more information.

Candidate species that appear on the enclosed species list have no current protections under the ESA. The species' occurrence on an official species list does not convey a requirement to

consider impacts to this species as you would a proposed, threatened, or endangered species. The ESA does not provide for interagency consultations on candidate species under section 7, however, the Service recommends that all project proponents incorporate measures into projects to benefit candidate species and their habitats wherever possible.

Migratory Birds

In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see:

<https://www.fws.gov/program/migratory-bird-permit>

<https://www.fws.gov/library/collections/bald-and-golden-eagle-management>

Please feel free to contact us at **newengland@fws.gov** with your **Project Code** in the subject line if you need more information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat.

Attachment(s): Official Species List

Attachment(s):

- Official Species List

OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

New England Ecological Services Field Office

70 Commercial Street, Suite 300

Concord, NH 03301-5094

(603) 223-2541

PROJECT SUMMARY

Project Code: 2023-0104016

Project Name: Jacksonville Rd Embankment Failure Repair Project

Project Type: Road Repair

Project Description: Excavation, fill and bank armoring to repair an embankment failure into the river which has undermined a road.

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@42.6907635,-72.69277978017031,14z>



Counties: Franklin County, Massachusetts

ENDANGERED SPECIES ACT SPECIES

There is a total of 2 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

MAMMALS

NAME	STATUS
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Endangered

INSECTS

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate

CRITICAL HABITATS

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

IPAC USER CONTACT INFORMATION

Agency: Concord town
Name: Amanda Smith
Address: 1 Mercantile Street
Address Line 2: Suite 610
City: Worcester
State: MA
Zip: 01608
Email: asmith@bscgroup.com
Phone: 4138879819

LEAD AGENCY CONTACT INFORMATION

Lead Agency: Army Corps of Engineers

Jacksonville Road Embankment Failure Repair Project
Colrain, MA
SVN

Attachment E: Section 106 Consultation

MACRIS Report
MHC Consultation Letter
MBUAR Consultation Letter
Stockbridge-Munsee Mohican Tribe Consultation Letter
Narragansett Tribe Consultation Letter
Wampanoag Tribe of Gay Head (Aquinnah) Consultation Letter
Mashpee Wampanoag Tribe Consultation Letter
Certified Mail Receipts

DECEMBER 26, 2023

Massachusetts Historical Commission
Attn: Brona Simon
The Massachusetts Archives Bldg
220 Morrissey Boulevard
Boston, MA 02125

Subject: Section 106 Consultation for Jacksonville Road Embankment Repair Project

Dear Brona Simon,

BSC Group Inc., on behalf of the Town of Colrain, is requesting review and input from the Massachusetts Historical Commission (MHC), for a Self-Verification Form (SVN) filing submission for the above-referenced project. The project is being proposed for the repair of Jacksonville Road, specifically the repair of the embankment failure along the North River in Colrain, MA. The repair work consists of armoring the riverbank and steep slope and filling in the area of the embankment failure where soil has been lost. The footprint of work is confined within the area currently disturbed by the slope failure and resulting damage to the guardrail and the adjacent pavement on the western side of the road. Please refer to the attached information to assist with the MHC's review of the project.

Preliminary review using MACRIS identified three listed sites, all of which are outside the Project's area of potential impact. Based on a NARA search, no State or Federally listed historic or cultural resources are located within one mile of the project area.

We respectfully request your review of the enclosed materials at your earliest. Written comments should be directed to: Paul Martin, BSC Group, Inc., PO Box 60658, Worcester, MA 01606. Please note that project solicitation is being requested from the Massachusetts Historical Commission and relevant Native American Tribes, concurrent with your review.

If you have any questions or require additional information, please do not hesitate to contact me at (617) 896-4325 or at pmartin@bscgroup.com.

Sincerely,



Paul Martin,
Sr. Project Manager

CC: Micah Morrison- BSC
Kevin Fox-Town of Colrain

Distribution List:

- United States Army Corps of Engineers (USACE)
- Massachusetts Board of Underwater Archaeological Resources (MBUAR)
- Tribal Historic Preservation Officers (THPOs)
 - Wampanoag Tribe of Gay Head (Aquinnah) THPO
 - Mashpee Wampanoag THPO
 - Stockbridge Munsee Community THPO
 - Narragansett Indian Tribe THPO

950 CMR: OFFICE OF THE SECRETARY OF THE COMMONWEALTH

APPENDIX A

MASSACHUSETTS HISTORICAL COMMISSION
220 MORRISSEY BOULEVARD
BOSTON, MASS. 02125
617-727-8470, FAX: 617-727-5128

PROJECT NOTIFICATION FORM

Project Name: Jacksonville Road Embankment Failure Repair Project

Location / Address: Across the street from 146 Jacksonville Road

City / Town: Colrain, MA

Project Proponent

Name: Town of Colrain

Address: 55 Main Road

City/Town/Zip/Telephone: Colrain, MA 01340 / 413-624-6306

Agency license or funding for the project (list all licenses, permits, approvals, grants or other entitlements being sought from state and federal agencies).

Agency Name

Colrain Conservation Commission
Army Corp of Engineers

Type of License or funding (specify)

Notice of Intent
401 Water Quality Certification - General Permit

Project Description (narrative):

The project is necessary to restore the embankment along the east side the Jacksonville Road where it has collapsed into the North River, undermining the right lane on the road. The Project includes the addition of bank armoring to avoid future embankment failures. Overall, the project will have approximately 1,056 square feet (sf) of impacts to WOTUS (650.75 sf permanent impacts and 406 sf temporary impacts) associated with repairing the lower section of the failed embankment and riverbank. Approximately 406 square feet (sf) of temporary impacts are necessary to manage water and contain the work area during construction, and 650.75 sf of permanent impacts are necessary for the dredging of excess material, placement of engineered fill to reestablish a stable grade, and installation of bank armoring along the toe of slope.

Does the project include demolition? If so, specify nature of demolition and describe the building(s) which are proposed for demolition.

Not Applicable.

Does the project include rehabilitation of any existing buildings? If so, specify nature of rehabilitation and describe the building(s) which are proposed for rehabilitation.

Not Applicable.

Does the project include new construction? If so, describe (attach plans and elevations if necessary).

Not Applicable.

950 CMR: OFFICE OF THE SECRETARY OF THE COMMONWEALTH

APPENDIX A (continued)

To the best of your knowledge, are any historic or archaeological properties known to exist within the project's area of potential impact? If so, specify.

Not Applicable.

What is the total acreage of the project area?

Woodland _____ acres	Productive Resources:
Wetland _____ acres	Agriculture _____ acres
Floodplain _____ acres	Forestry _____ acres
Open space <0.10 _____ acres	Mining/Extraction _____ acres
Developed <0.15 _____ acres	Total Project Acreage <0.25 _____ acres

What is the acreage of the proposed new construction? _____ acres

What is the present land use of the project area?

Existing road, road shoulder and embankment, and riverbank.

Please attach a copy of the section of the USGS quadrangle map which clearly marks the project location.

This Project Notification Form has been submitted to the MHC in compliance with 950 CMR 71.00.

Signature of Person submitting this form: _____ Date: _____

Name: Paul Martin

Address: 1 Mercantile Street, Suite 610

City/Town/Zip: Worcester, MA 01608

Telephone: 617-896-4325

REGULATORY AUTHORITY

950 CMR 71.00: M.G.L. c. 9, §§ 26-27C as amended by St. 1988, c. 254.

17. PROJECT PLANS (BY CHECKING THE BOXES BELOW, YOU CERTIFY THESE ITEMS ARE COMPLETE) (see instructions)

- a. Plans shall at least contain the following: Vicinity Map, Plan View, and Typical Cross Section View of the proposed activity.
- b. All direct, indirect and secondary impacts from USACE regulated activities are shown on the project plans.
- c. The size of the impact area for each activity (acre, square feet, linear feet) are shown on the project plans.
- d. For discharges of fill material (§404), the volume of fill material is identified on the project plans.
- e. The duration of each impact, permanent or temporary (X days), is identified on the project plans.
- f. Do activities with permanent impacts result in the loss of waters? If so, this is identified on the project plans.
- g. All aquatic resources in the vicinity of the USACE regulated activities are delineated on the project plans.

18. AVOIDANCE & MINIMIZATION (BY CHECKING THE BOXES BELOW, YOU CERTIFY THESE CRITERIA ARE MET) (see instructions)

- a. The project has been designed to avoid and minimize impacts to aquatic resources.
- b. The footprint of activities in waters of the U.S. has been reduced to only what is necessary to achieve the overall project purpose.
- c. All practicable measures have been taken to avoid and minimize impacts to aquatic resources through construction techniques and site access (e.g., Best Management Practices, Time of Year Restrictions).
- d. All temporary impacts from USACE regulated activities will be restored upon completion of construction and the project area will be returned to pre-construction contours and conditions.

COMPLIANCE WITH FEDERAL REGULATIONS & SUPPLEMENTAL INFORMATION

19. DUE DILIGENCE (see instructions)

Complete the entries below to document compliance with the following Federal requirements. Construction may NOT begin if a PCN is/may be required, and you must contact USACE to determine permitting requirements. Documentation that demonstrates how the activity complies with each field below shall be submitted to the USACE as noted in the instructions block. See each General Condition (GC) in the GP for how to comply with each requirement.

- a. State Historic Preservation Officer Per Appendix A, SHPO was notified and they did not respond with concerns within 30 days.
- b. Massachusetts BUAR Per Appendix A, BUAR was notified and they did not respond with concerns within 30 days.
- c. Tribal Historic Preservation Officers The Tribe(s) were notified and they didn't respond with concerns within 30 days.
- d. Endangered Species Act - NOAA The activity is not located within the ESA-listed Species Range.
- e. Endangered Species Act - USFWS The activity is not located within the ESA-listed Species Range.
- f. Northern Long Eared Bat (ESA) No effect determination reached with the Rangewide D-Key. See Instructions below.*
- g. Essential Fish Habitat The project footprint does not contain EFH (see EFH definition in the MA GP).
- h. Wild & Scenic Rivers There are no WSR's within 0.25 miles of the project area.
- i. 401 Water Quality Certification 401 The activity qualifies under the general 401 WQC for the 2023 MA GPs.
401 WQC/OOC File Number: OOC issued: 401 issued:
- j. Section 408 Permission Not Required per GC 15a-f, no Federal Projects are within the project vicinity.
- k. Coastal Zone The project is not located within the coastal zone.
- l. Construction Mats N/A, the activity does not require the installation of construction mats.
- m. Time of Year Restrictions The project complies with TOY Restrictions in GC 20.
- n. Vernal Pools Per GC 28, the project is not located in a vernal pool.
- o. Sediment & Erosion Controls Per GC 25, the activity uses BMPs to avoid/minimize sedimentation & erosion.
- p. Stream/Wetland Crossings The activity does not require a stream/wetland crossing.

20. AQUACULTURE ACTIVITIES - GP 18 (see instructions)

- a. If required, an Aquaculture Certification from the Massachusetts Division of Marine Fisheries was obtained prior to commencing work.
- b. Coordination with the U.S. Coast Guard pursuant to Private Aids to Navigation has occurred prior to commencing work.
- c. If required, a MEPA Certificate was obtained from the Massachusetts Environmental Protection Agency prior to commencing work. Select Option
- d. The prospective permittee contacted local authorities (e.g. harbormaster, select board, shellfish constable) for authorization of their facility prior to commencing work.

21. ADDITIONAL INFORMATION/ATTACHMENTS (see instructions)

- a. The project plans are enclosed in this SVN submittal (see block 17).
- b. The activity IS NOT funded through the Bipartisan Infrastructure Bill (also known as the Infrastructure Investment and Jobs Act).
- c. All required state, local and federal approvals were acquired prior to starting construction in USACE jurisdiction.
- d. After construction of the activity is completed, a complete Certificate of Compliance will be submitted to USACE.

22. IS THERE ANOTHER LEAD FEDERAL AGENCY:

- YES NO

23. STATEMENT OF AUTHORIZATION (see instructions)

I certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

Ken P. Fox

12-18-23

Paul D Martin

Digitally signed by Paul D Martin
DN: cn=US, email=PaulMartin@bascgroup.com, o=BSC Group, cn=Paul
D Martin
Date: 2023.12.14 12:55:04-0500

12/14/23

SIGNATURE OF APPLICANT

DATE

SIGNATURE OF AGENT

DATE

24. SIGNATURES (see instructions)

I hereby certify that the information in this Self-Verification Notification is complete and accurate. As the applicant or their duly authorized agent, I certify the activity was completed in accordance with the terms and conditions of the GP. This includes all applicable terms, general conditions, and activity-specific GP criteria. I agree to allow the duly authorized representatives of the Corps of Engineers Regulatory Program and other regulatory or advisory agencies to enter upon the premises of the project site at reasonable times to evaluate inspect and photograph site conditions. This consent to enter the property is superior to, takes precedence over, and waives any communication to the contrary. For example, if the property is posted as "no trespassing" this consent specifically supersedes and waives that prohibition and grants permission to enter the property despite such posting.

Ken P. Fox

12-18-23

Paul D Martin

Digitally signed by Paul D Martin
DN: cn=US, email=PaulMartin@bascgroup.com, o=BSC Group, cn=Paul
D Martin
Date: 2023.12.14 12:55:17-0500

12/14/23

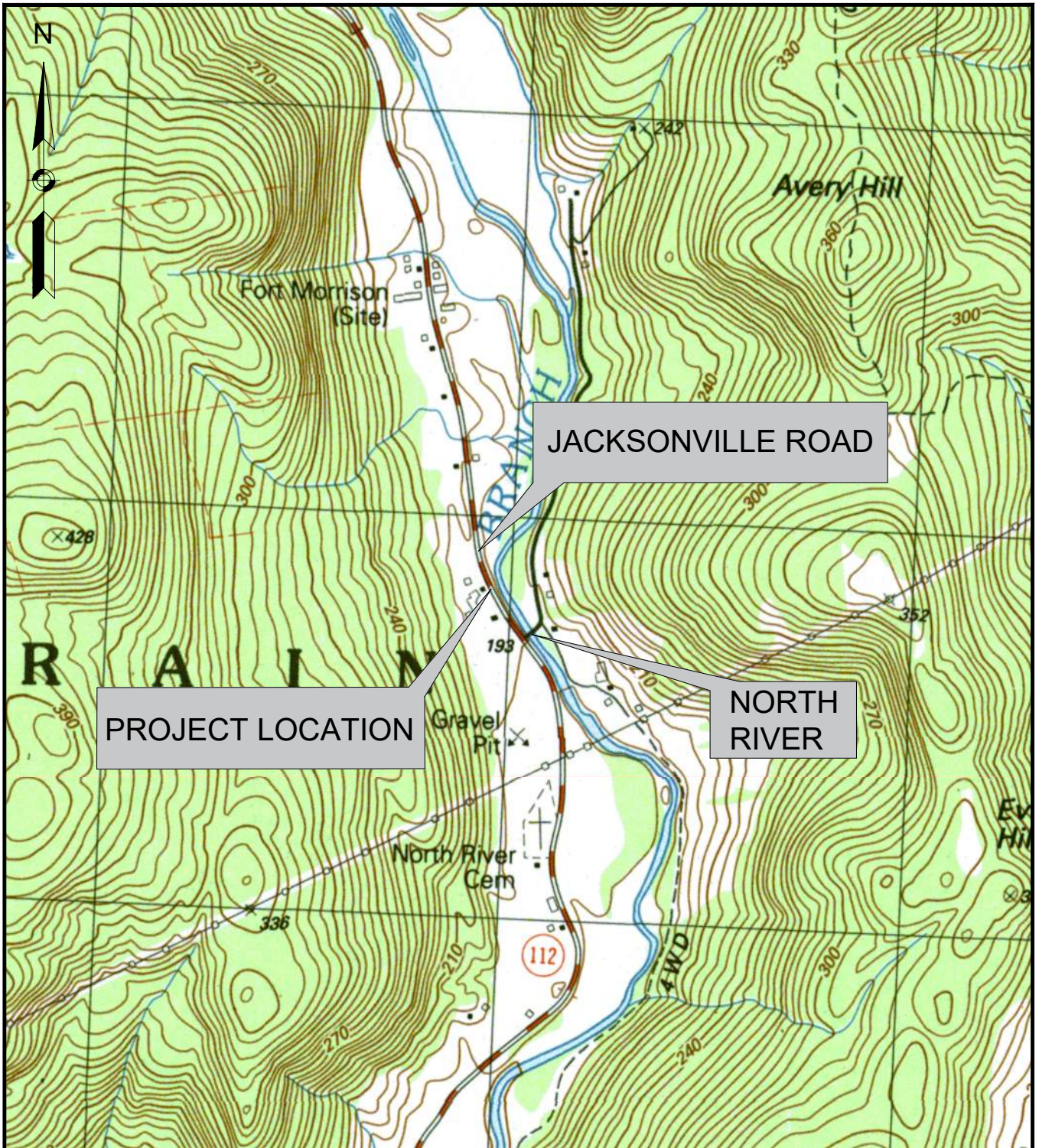
SIGNATURE OF APPLICANT

DATE

SIGNATURE OF AGENT

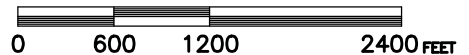
DATE

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.



LATITUDE: 42°41'26.4"N
 LONGITUDE: 72°41'34.6"W

SCALE: 1" = 1200'



PREPARED FOR:

TOWN OF COLRAIN
 55 MAIN ROAD
 COLRAIN, MA 01340

LOCUS MAP

Source:

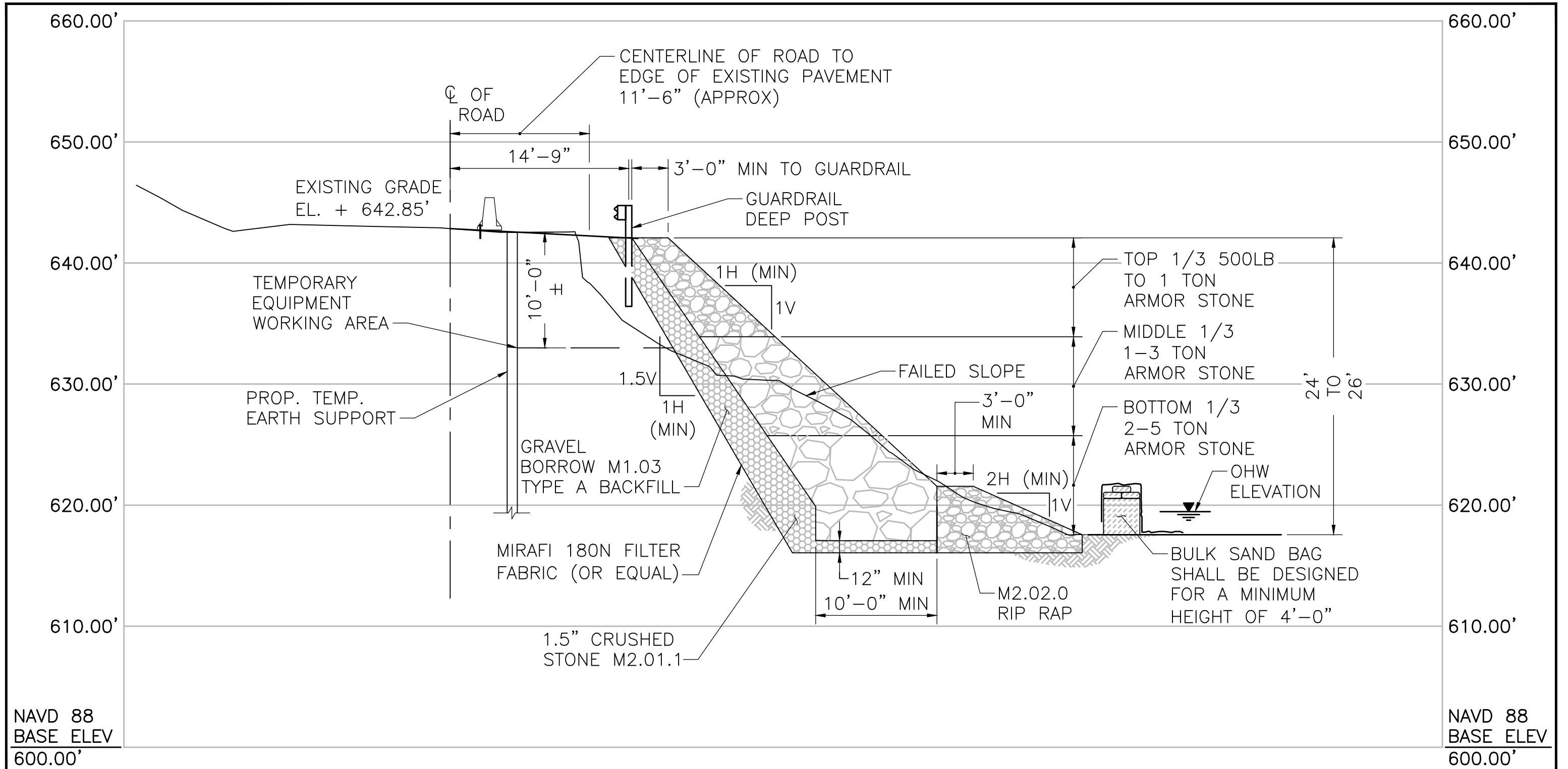
SLOPE STABILIZATION
 JACKSONVILLE ROAD
 COLRAIN, MA
 FRANKLIN COUNTY



803 Summer Street
 Boston, Massachusetts
 02127

617 896 4300

Job No.:	28498.00	Date:	11/13/2023
Scale:	1"=1200'	Revised:	
Dwg. No.:	Locus	Figure:	2 OF 8



NAVD 88
BASE ELEV
600.00'

NAVD 88
BASE ELEV
600.00'

PREPARED FOR:

TOWN OF COLRAIN
55 MAIN ROAD
COLRAIN, MA 01340

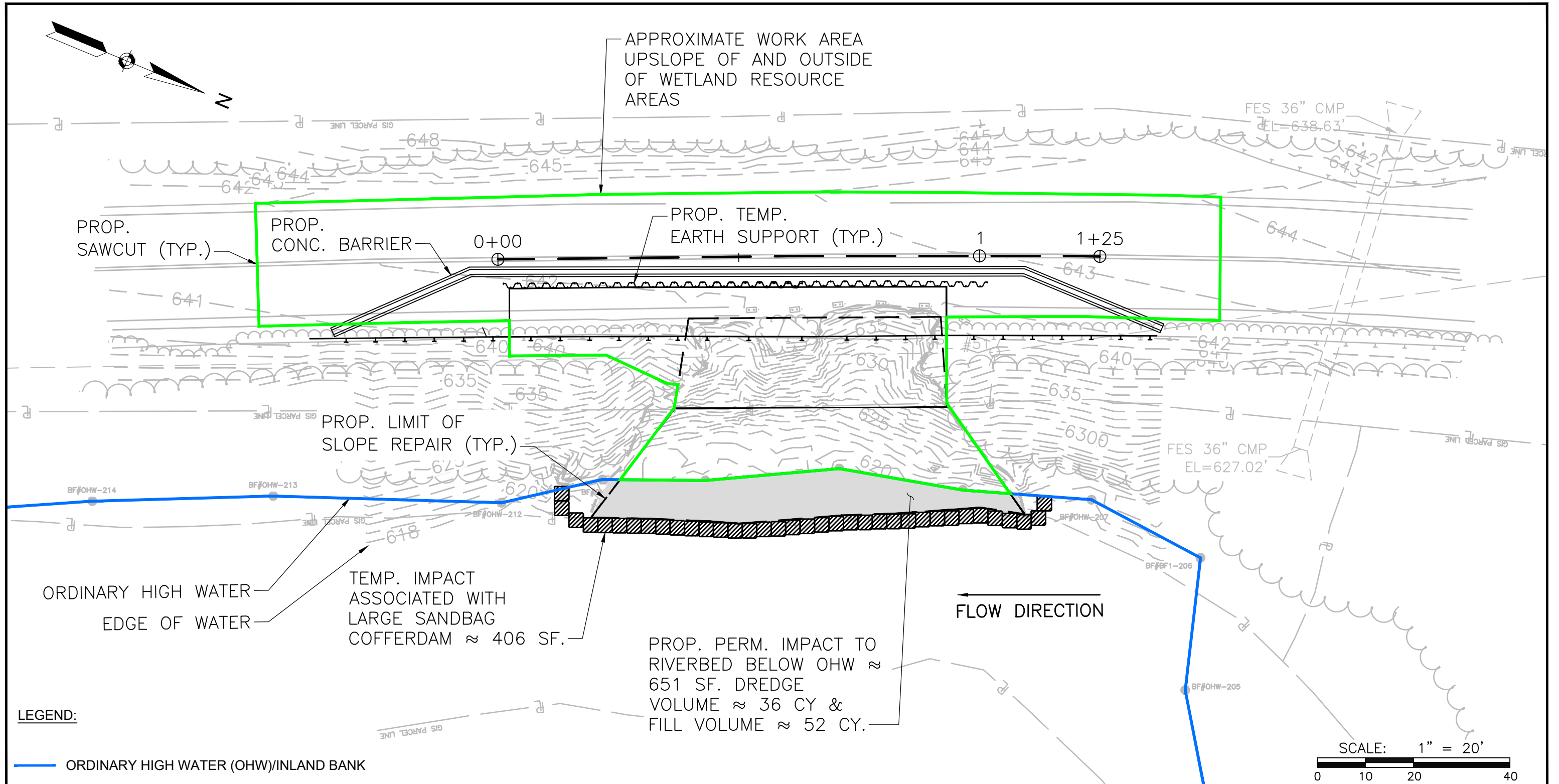
PROPOSED WALL ELEVATION

Source:

SLOPE STABILIZATION
JACKSONVILLE ROAD
COLRAIN, MA
FRANKLIN COUNTY

Job No.: 28498.00 Date: 11/30/2023
Scale: N/A Revised: _____
Description: X. SEC. Figure: 7 OF 8

BSC GROUP
803 Summer Street
Boston, Massachusetts
02127
617 896 4300



PREPARED FOR:

TOWN OF COLRAIN
55 MAIN ROAD
COLRAIN, MA 01340

SECTION 404 WETLAND RESOURCE IMPACTS

Source:

SLOPE STABILIZATION
JACKSONVILLE ROAD
COLRAIN, MA
FRANKLIN COUNTY

Job No.: 28498.00 Date: 11/30/2023

Scale: N/A Revised: _____

Description: IMPACTS Figure: 8 OF 8

BSC GROUP

803 Summer Street
Boston, Massachusetts
02127

617 896 4300

RECEIVED

JAN 25 2024

MASS. HIST. COMM
RC. 74288

950 CMR: OFFICE OF THE SECRETARY OF THE COMMONWEALTH

APPENDIX A

MASSACHUSETTS HISTORICAL COMMISSION

220 MORRISSEY BOULEVARD

BOSTON, MASS. 02125

617-727-8470, FAX: 617-727-5128

After review of MHC files and the materials you submitted, it has been determined that this project is unlikely to affect significant historic or archaeological resources.

PROJECT NOTIFICATION FORM

Project Name: Jacksonville Road Embankment Failure Repair Project *MITC # 22-74288*

Location / Address: Across the street from 146 Jacksonville Road *Edward L. Bell 30 January 2024* Date

City / Town: Colrain, MA *Deputy State Historic Preservation Officer*

Project Proponent *Massachusetts Historical Commission*
cc: Paul Martin, BSC Group

Name: Town of Colrain

Address: 55 Main Road

City/Town/Zip/Telephone: Colrain, MA 01340 / 413-624-6306

Agency license or funding for the project (list all licenses, permits, approvals, grants or other entitlements being sought from state and federal agencies).

<u>Agency Name</u>	<u>Type of License or funding (specify)</u>
Colrain Conservation Commission	Notice of Intent
Army Corp of Engineers	Section 404 - General Permit

Project Description (narrative):

The project is necessary to restore the embankment along the east side the Jacksonville Road where is has collapsed into the North River, undermining the right lane on the road. The Project includes the addition of bank armoring to avoid future embankment failures. Overall, the project will have approximately 1,056 square feet (sf) of impacts to WOTUS (650.75 sf permanent impacts and 406 sf temporary impacts) associated with repairing the lower section of the failed embankment and riverbank. Approximately 406 square feet (sf) of temporary impacts are necessary to manage water and contain the work area during construction, and 650.75 sf of permanent impacts are necessary for the dredging of excess material, placement of engineered fill to reestablish a stable grade, and installation of bank armoring along the toe of slope.

Does the project include demolition? If so, specify nature of demolition and describe the building(s) which are proposed for demolition.

No.

Does the project include rehabilitation of any existing buildings? If so, specify nature of rehabilitation and describe the building(s) which are proposed for rehabilitation.

No.

Does the project include new construction? If so, describe (attach plans and elevations if necessary).

No.



116
RECEIVED

JAN 25 2024

Engineers
Environmental Scientists
Software Developers
Landscape Architects
Planners
Surveyors

MASS. HIST. COMM
RC 74288

www.bscgroup.com

JANUARY 23, 2024

Massachusetts Historical Commission
Attn: Brona Simon
The Massachusetts Archives Bldg
220 Morrissey Boulevard
Boston, MA 02125

Subject: Section 106 Consultation for Jacksonville Road Embankment Repair Project

Dear Brona Simon,

BSC Group Inc., is submitting a corrected and complete PNF for the subject project. Megan had contacted me to let me know that our December 26, 2023 submittal did not have the complete PNF. We look forward to your review and hearing back from you.

If you have any questions or require additional information, please do not hesitate to contact me at (617) 896-4325 or at pmartin@bscgroup.com.

Sincerely,

Paul Martin,
Sr. Project Manager

CC: Micah Morrison- BSC
Kevin Fox-Town of Colrain

Distribution List:

- United States Army Corps of Engineers (USACE)
- Massachusetts Board of Underwater Archaeological Resources (MBUAR)
- Tribal Historic Preservation Officers (THPOs)
 - Wampanoag Tribe of Gay Head (Aquinnah) THPO
 - Mashpee Wampanoag THPO
 - Stockbridge Munsee Community THPO
 - Narragansett Indian Tribe THPO

950 CMR: OFFICE OF THE SECRETARY OF THE COMMONWEALTH

APPENDIX A (continued)

To the best of your knowledge, are any historic or archaeological properties known to exist within the project's area of potential impact? If so, specify.

No.

What is the total acreage of the project area?

Woodland _____	acres	Productive Resources:	
Wetland _____	acres	Agriculture _____	acres
Floodplain _____	acres	Forestry _____	acres
Open space <0.10 _____	acres	Mining/Extraction _____	acres
Developed <0.15 _____	acres	Total Project Acreage <0.25 _____	acres

What is the acreage of the proposed new construction? _____ acres

What is the present land use of the project area?

Existing road, road shoulder and embankment, and riverbank.

Please attach a copy of the section of the USGS quadrangle map which clearly marks the project location.

This Project Notification Form has been submitted to the MHC in compliance with 950 CMR 71.00.

Signature of Person submitting this form: Paul D. Martin

Date: 12/26/2023

Name: Paul Martin

Address: 1 Mercantile Street, Suite 610
BSX Group

City/Town/Zip: Worcester, MA 01608

Telephone: 617-896-4325

REGULATORY AUTHORITY

950 CMR 71.00: M.G.L. c. 9, §§ 26-27C as amended by St. 1988, c. 254.

DECEMBER 26, 2023

www.bscgroup.com

Massachusetts Board of Underwater Archaeological Resources
Attn: David Robinson
251 Causeway Street, Suite 800
Boston, MA 02114
Subject: Section 106 Consultation for Jacksonville Road Embankment Repair Project

Dear David Robinson,

BSC Group Inc., on behalf of the Town of Colrain, is requesting review and input from the Massachusetts Historical Commission (MHC), for a Self-Verification Form (SVN) filing submission for the above-referenced project. The project is being proposed for the repair of Jacksonville Road, specifically the repair of the embankment failure along the North River in Colrain, MA. The repair work consists of armoring the riverbank and steep slope and filling in the area of the embankment failure where soil has been lost. The footprint of work is confined within the area currently disturbed by the slope failure and resulting damage to the guardrail and the adjacent pavement on the western side of the road. Please refer to the attached information to assist with the MHC's review of the project.

Preliminary review using MACRIS identified three listed sites, all of which are outside the Project's area of potential impact. Based on a NARA search, no State or Federally listed historic or cultural resources are located within one mile of the project area.

We respectfully request your review of the enclosed materials at your earliest. Written comments should be directed to: Paul Martin, BSC Group, Inc., PO Box 60658, Worcester, MA 01606. Please note that project solicitation is being requested from the Massachusetts Historical Commission and relevant Native American Tribes, concurrent with your review.

Sincerely,



Paul Martin,
Sr. Project Manager

CC: Micah Morrison- BSC
Kevin Fox-Town of Colrain

Distribution List:

- United States Army Corps of Engineers (USACE)
- Massachusetts Board of Underwater Archaeological Resources (MBUAR)
- Tribal Historic Preservation Officers (THPOs)
 - Wampanoag Tribe of Gay Head (Aquinnah) THPO
 - Mashpee Wampanoag THPO
 - Stockbridge Munsee Community THPO
 - Narragansett Indian Tribe THPO

950 CMR: OFFICE OF THE SECRETARY OF THE COMMONWEALTH

APPENDIX A

MASSACHUSETTS HISTORICAL COMMISSION
220 MORRISSEY BOULEVARD
BOSTON, MASS. 02125
617-727-8470, FAX: 617-727-5128

PROJECT NOTIFICATION FORM

Project Name: Jacksonville Road Embankment Failure Repair Project

Location / Address: Across the street from 146 Jacksonville Road

City / Town: Colrain, MA

Project Proponent

Name: Town of Colrain

Address: 55 Main Road

City/Town/Zip/Telephone: Colrain, MA 01340 / 413-624-6306

Agency license or funding for the project (list all licenses, permits, approvals, grants or other entitlements being sought from state and federal agencies).

Agency Name

Colrain Conservation Commission
Army Corp of Engineers

Type of License or funding (specify)

Notice of Intent
401 Water Quality Certification - General Permit

Project Description (narrative):

The project is necessary to restore the embankment along the east side the Jacksonville Road where it has collapsed into the North River, undermining the right lane on the road. The Project includes the addition of bank armoring to avoid future embankment failures. Overall, the project will have approximately 1,056 square feet (sf) of impacts to WOTUS (650.75 sf permanent impacts and 406 sf temporary impacts) associated with repairing the lower section of the failed embankment and riverbank. Approximately 406 square feet (sf) of temporary impacts are necessary to manage water and contain the work area during construction, and 650.75 sf of permanent impacts are necessary for the dredging of excess material, placement of engineered fill to reestablish a stable grade, and installation of bank armoring along the toe of slope.

Does the project include demolition? If so, specify nature of demolition and describe the building(s) which are proposed for demolition.

Not Applicable.

Does the project include rehabilitation of any existing buildings? If so, specify nature of rehabilitation and describe the building(s) which are proposed for rehabilitation.

Not Applicable.

Does the project include new construction? If so, describe (attach plans and elevations if necessary).

Not Applicable.

950 CMR: OFFICE OF THE SECRETARY OF THE COMMONWEALTH

APPENDIX A (continued)

To the best of your knowledge, are any historic or archaeological properties known to exist within the project's area of potential impact? If so, specify.

Not Applicable.

What is the total acreage of the project area?

Woodland _____ acres	Productive Resources:
Wetland _____ acres	Agriculture _____ acres
Floodplain _____ acres	Forestry _____ acres
Open space <0.10 _____ acres	Mining/Extraction _____ acres
Developed <0.15 _____ acres	Total Project Acreage <0.25 _____ acres

What is the acreage of the proposed new construction? _____ acres

What is the present land use of the project area?

Existing road, road shoulder and embankment, and riverbank.

Please attach a copy of the section of the USGS quadrangle map which clearly marks the project location.

This Project Notification Form has been submitted to the MHC in compliance with 950 CMR 71.00.

Signature of Person submitting this form: _____ Date: _____

Name: Paul Martin

Address: 1 Mercantile Street, Suite 610

City/Town/Zip: Worcester, MA 01608

Telephone: 617-896-4325

REGULATORY AUTHORITY

950 CMR 71.00: M.G.L. c. 9, §§ 26-27C as amended by St. 1988, c. 254.

17. PROJECT PLANS (BY CHECKING THE BOXES BELOW, YOU CERTIFY THESE ITEMS ARE COMPLETE) (see instructions)

- a. Plans shall at least contain the following: Vicinity Map, Plan View, and Typical Cross Section View of the proposed activity.
- b. All direct, indirect and secondary impacts from USACE regulated activities are shown on the project plans.
- c. The size of the impact area for each activity (acre, square feet, linear feet) are shown on the project plans.
- d. For discharges of fill material (§404), the volume of fill material is identified on the project plans.
- e. The duration of each impact, permanent or temporary (X days), is identified on the project plans.
- f. Do activities with permanent impacts result in the loss of waters? If so, this is identified on the project plans.
- g. All aquatic resources in the vicinity of the USACE regulated activities are delineated on the project plans.

18. AVOIDANCE & MINIMIZATION (BY CHECKING THE BOXES BELOW, YOU CERTIFY THESE CRITERIA ARE MET) (see instructions)

- a. The project has been designed to avoid and minimize impacts to aquatic resources.
- b. The footprint of activities in waters of the U.S. has been reduced to only what is necessary to achieve the overall project purpose.
- c. All practicable measures have been taken to avoid and minimize impacts to aquatic resources through construction techniques and site access (e.g., Best Management Practices, Time of Year Restrictions).
- d. All temporary impacts from USACE regulated activities will be restored upon completion of construction and the project area will be returned to pre-construction contours and conditions.

COMPLIANCE WITH FEDERAL REGULATIONS & SUPPLEMENTAL INFORMATION

19. DUE DILIGENCE (see instructions)

Complete the entries below to document compliance with the following Federal requirements. Construction may NOT begin if a PCN is/may be required, and you must contact USACE to determine permitting requirements. Documentation that demonstrates how the activity complies with each field below shall be submitted to the USACE as noted in the instructions block. See each General Condition (GC) in the GP for how to comply with each requirement.

- a. State Historic Preservation Officer Per Appendix A, SHPO was notified and they did not respond with concerns within 30 days.
- b. Massachusetts BUAR Per Appendix A, BUAR was notified and they did not respond with concerns within 30 days.
- c. Tribal Historic Preservation Officers The Tribe(s) were notified and they didn't respond with concerns within 30 days.
- d. Endangered Species Act - NOAA The activity is not located within the ESA-listed Species Range.
- e. Endangered Species Act - USFWS The activity is not located within the ESA-listed Species Range.
- f. Northern Long Eared Bat (ESA) No effect determination reached with the Rangewide D-Key. See Instructions below.*
- g. Essential Fish Habitat The project footprint does not contain EFH (see EFH definition in the MA GP).
- h. Wild & Scenic Rivers There are no WSR's within 0.25 miles of the project area.
- i. 401 Water Quality Certification 401 The activity qualifies under the general 401 WQC for the 2023 MA GPs.
401 WQC/OOC File Number: OOC issued: 401 issued:
- j. Section 408 Permission Not Required per GC 15a-f, no Federal Projects are within the project vicinity.
- k. Coastal Zone The project is not located within the coastal zone.
- l. Construction Mats N/A, the activity does not require the installation of construction mats.
- m. Time of Year Restrictions The project complies with TOY Restrictions in GC 20.
- n. Vernal Pools Per GC 28, the project is not located in a vernal pool.
- o. Sediment & Erosion Controls Per GC 25, the activity uses BMPs to avoid/minimize sedimentation & erosion.
- p. Stream/Wetland Crossings The activity does not require a stream/wetland crossing.

20. AQUACULTURE ACTIVITIES - GP 18 (see instructions)

- a. If required, an Aquaculture Certification from the Massachusetts Division of Marine Fisheries was obtained prior to commencing work.
- b. Coordination with the U.S. Coast Guard pursuant to Private Aids to Navigation has occurred prior to commencing work.
- c. If required, a MEPA Certificate was obtained from the Massachusetts Environmental Protection Agency prior to commencing work. Select Option
- d. The prospective permittee contacted local authorities (e.g. harbormaster, select board, shellfish constable) for authorization of their facility prior to commencing work.

21. ADDITIONAL INFORMATION/ATTACHMENTS (see instructions)

- a. The project plans are enclosed in this SVN submittal (see block 17).
- b. The activity IS NOT funded through the Bipartisan Infrastructure Bill (also known as the Infrastructure Investment and Jobs Act).
- c. All required state, local and federal approvals were acquired prior to starting construction in USACE jurisdiction.
- d. After construction of the activity is completed, a complete Certificate of Compliance will be submitted to USACE.

22. IS THERE ANOTHER LEAD FEDERAL AGENCY:

- YES NO

23. STATEMENT OF AUTHORIZATION (see instructions)

I certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

Ken P. Fox

12-18-23

Paul D Martin

Digitally signed by Paul D Martin
DN: cn=US, email=PaulMartin@bascgroup.com, o=BSC Group, cn=Paul
D Martin
Date: 2023.12.14 12:55:04-0500

12/14/23

SIGNATURE OF APPLICANT

DATE

SIGNATURE OF AGENT

DATE

24. SIGNATURES (see instructions)

I hereby certify that the information in this Self-Verification Notification is complete and accurate. As the applicant or their duly authorized agent, I certify the activity was completed in accordance with the terms and conditions of the GP. This includes all applicable terms, general conditions, and activity-specific GP criteria. I agree to allow the duly authorized representatives of the Corps of Engineers Regulatory Program and other regulatory or advisory agencies to enter upon the premises of the project site at reasonable times to evaluate inspect and photograph site conditions. This consent to enter the property is superior to, takes precedence over, and waives any communication to the contrary. For example, if the property is posted as "no trespassing" this consent specifically supersedes and waives that prohibition and grants permission to enter the property despite such posting.

Ken P. Fox

12-18-23

Paul D Martin

Digitally signed by Paul D Martin
DN: cn=US, email=PaulMartin@bascgroup.com, o=BSC Group, cn=Paul
D Martin
Date: 2023.12.14 12:55:17-0500

12/14/23

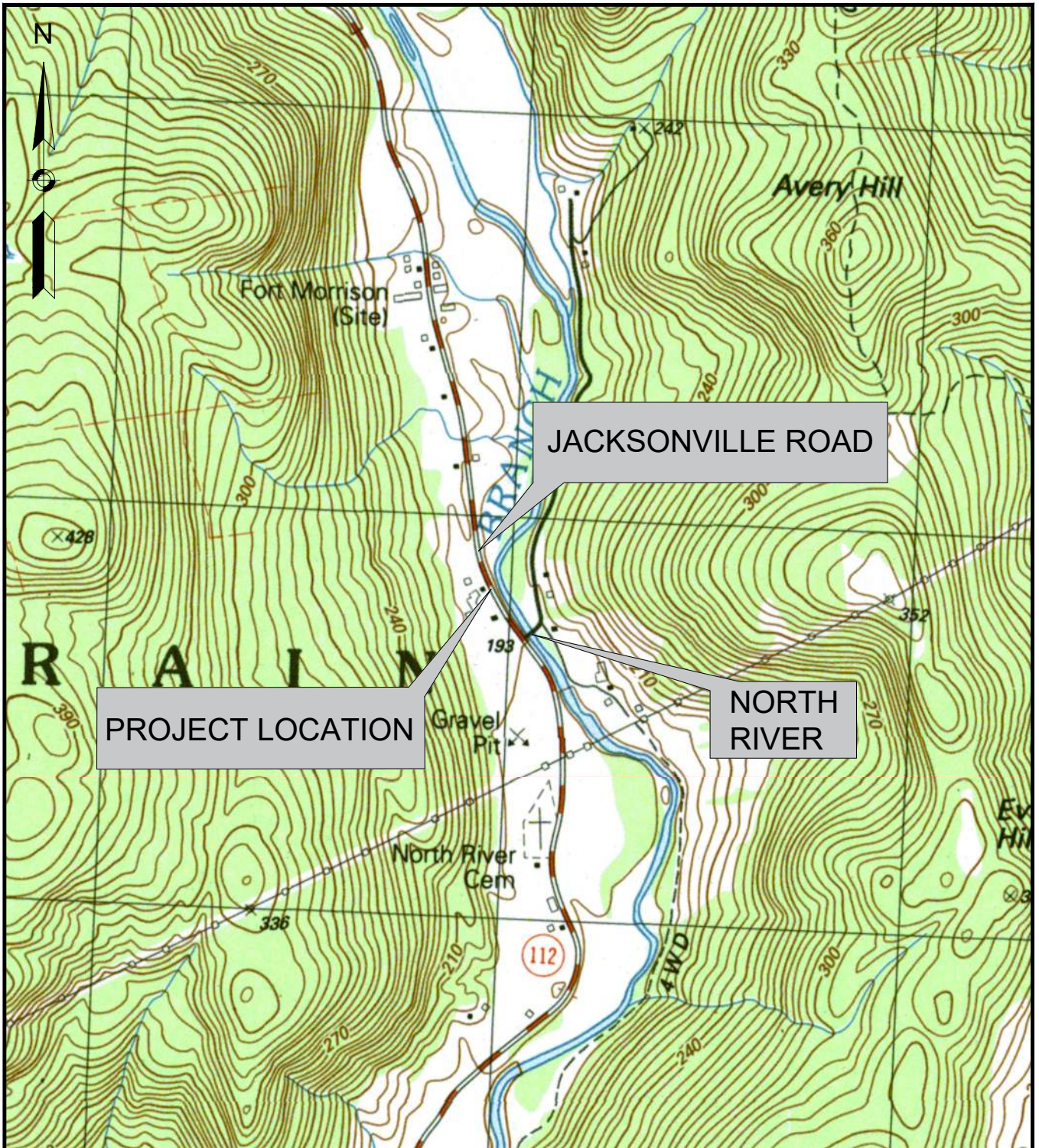
SIGNATURE OF APPLICANT

DATE

SIGNATURE OF AGENT

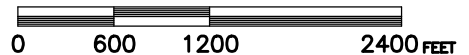
DATE

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.



LATITUDE: 42°41'26.4"N
 LONGITUDE: 72°41'34.6"W

SCALE: 1" = 1200'



PREPARED FOR:

TOWN OF COLRAIN
 55 MAIN ROAD
 COLRAIN, MA 01340

LOCUS MAP

Source:

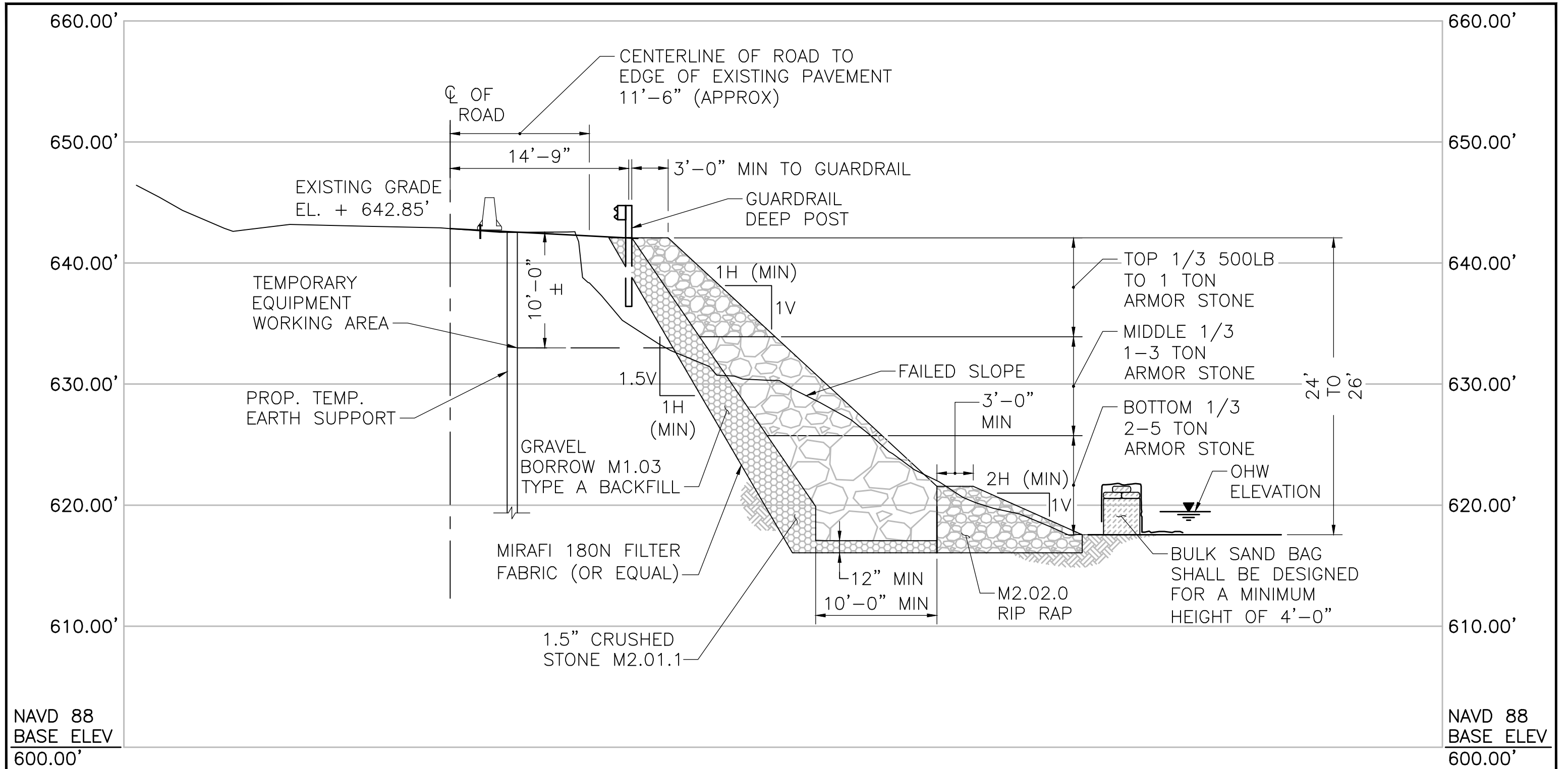
SLOPE STABILIZATION
 JACKSONVILLE ROAD
 COLRAIN, MA
 FRANKLIN COUNTY



803 Summer Street
 Boston, Massachusetts
 02127

617 896 4300

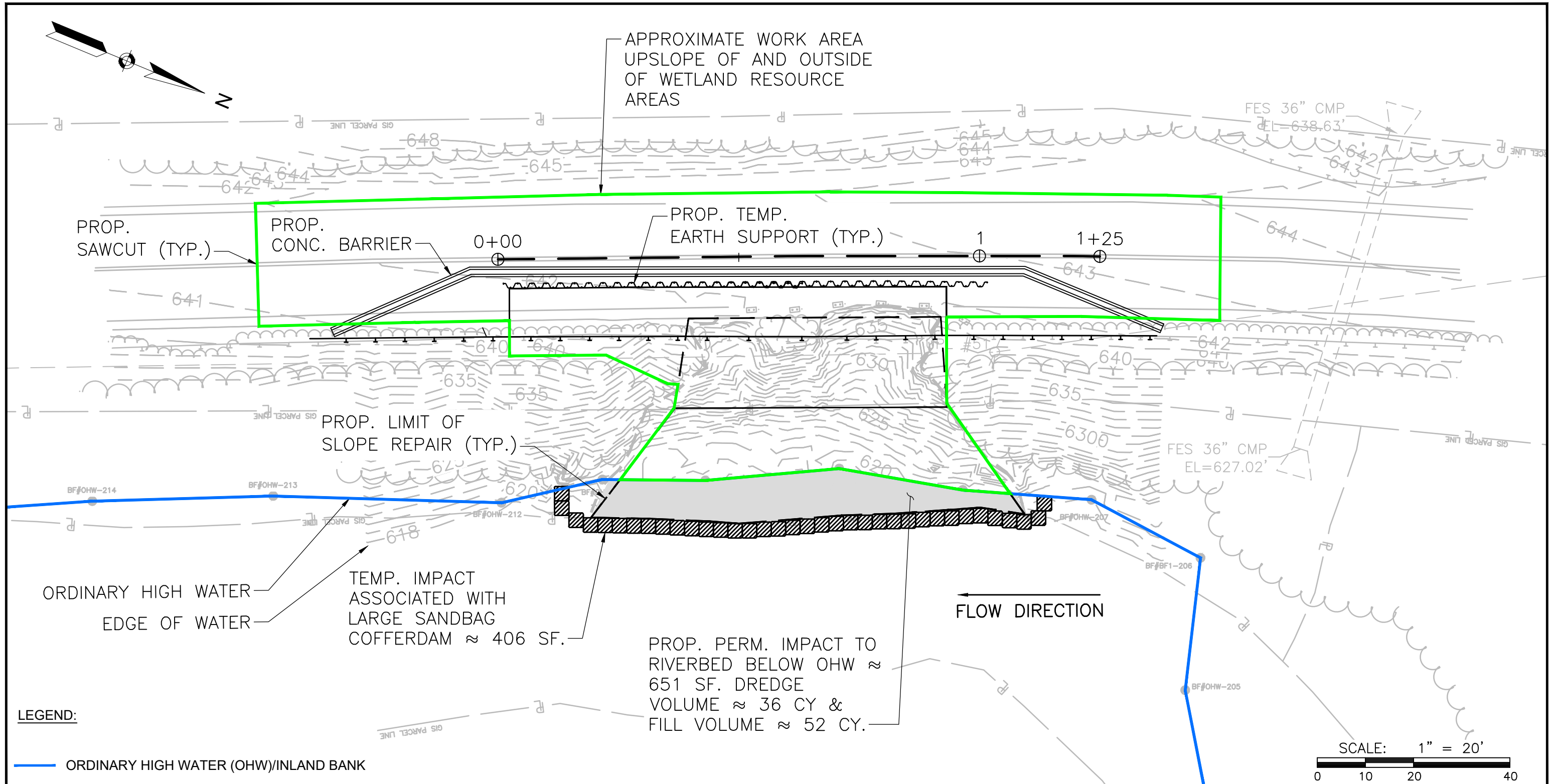
Job No.:	28498.00	Date:	11/13/2023
Scale:	1"=1200'	Revised:	
Dwg. No.:	Locus	Figure:	2 OF 8



NAVD 88
BASE ELEV
600.00'

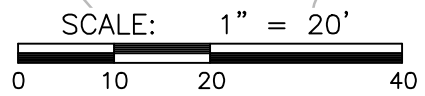
NAVD 88
BASE ELEV
600.00'

<p>PREPARED FOR:</p> <p>TOWN OF COLRAIN 55 MAIN ROAD COLRAIN, MA 01340</p>	<p style="text-align: center;">PROPOSED WALL ELEVATION</p> <p>Source:</p> <p style="text-align: center;">SLOPE STABILIZATION JACKSONVILLE ROAD COLRAIN, MA FRANKLIN COUNTY</p>	<p>Job No.: 28498.00 Date: 11/30/2023</p> <p>Scale: N/A Revised: _____</p> <p>Description: X. SEC. Figure: 7 OF 8</p>	<p style="text-align: center;">BSC GROUP</p> <p>803 Summer Street Boston, Massachusetts 02127 617 896 4300</p>
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LEGEND:

— ORDINARY HIGH WATER (OHW)/INLAND BANK



<p>PREPARED FOR:</p> <p>TOWN OF COLRAIN 55 MAIN ROAD COLRAIN, MA 01340</p>	<p>SECTION 404 WETLAND RESOURCE IMPACTS</p> <p>Source:</p> <p>SLOPE STABILIZATION JACKSONVILLE ROAD COLRAIN, MA FRANKLIN COUNTY</p>	<p>Job No.: 28498.00 Date: 11/30/2023</p> <p>Scale: N/A Revised: _____</p> <p>Description: IMPACTS Figure: 8 OF 8</p>	 <p>803 Summer Street Boston, Massachusetts 02127 617 896 4300</p>
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DECEMBER 26, 2023

www.bscgroup.com

Tribal Historic Preservation Officer
Stockbridge-Munsee Mohican
86 Spring Street
Williamstown, MA 01267

Subject: Section 106 Consultation for Jacksonville Road Embankment Repair Project

Dear THPO,

On behalf of the Town of Colrain, BSC Group, Inc. is requesting your review of the attached information, relative to the Jacksonville Road Embankment Repair Project in Colrain, Massachusetts. The repair work consists of armoring the riverbank and steep slope and filling in the area of the embankment failure where soil has been lost. The footprint of work is confined within the area currently disturbed by the slope failure and resulting damage to the guardrail and the adjacent pavement on the western side of the road. Due to the project impacts on federally regulated wetland resources and a perennial stream, we will be filing a Self-Verification Notification (SVN), with the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act. As such, this Project is subject to review under Section 106 of the National Historic Preservation Act (NHPA), and in accordance with 33 CFR Part 325 Appendix C and 36 CFR Part 800, we are requesting your review of the enclosed plans, which show the overall Project design, as well as the existing and proposed site conditions.

Review of the Massachusetts Historic Commission (MACRIS) site indicates there are no known archaeological sites or historic properties on or within 0.5 miles of the site. We are requesting that you review the attached materials and inform the Corps if:

- (a) There are any known historic properties or cultural resources within the Corps Permit Area;
- (b) You would like to schedule a site walk of the Permit Area.

If you have any questions or require additional information, please do not hesitate to contact me at (617) 896-4325, or by email at pmartin@bscgroup.com.

Sincerely,



Paul Martin,
Sr. Project Manager

CC: Micah Morrison- BSC
Kevin Fox-Town of Colrain

950 CMR: OFFICE OF THE SECRETARY OF THE COMMONWEALTH

APPENDIX A

MASSACHUSETTS HISTORICAL COMMISSION
220 MORRISSEY BOULEVARD
BOSTON, MASS. 02125
617-727-8470, FAX: 617-727-5128

PROJECT NOTIFICATION FORM

Project Name: Jacksonville Road Embankment Failure Repair Project

Location / Address: Across the street from 146 Jacksonville Road

City / Town: Colrain, MA

Project Proponent

Name: Town of Colrain

Address: 55 Main Road

City/Town/Zip/Telephone: Colrain, MA 01340 / 413-624-6306

Agency license or funding for the project (list all licenses, permits, approvals, grants or other entitlements being sought from state and federal agencies).

Agency Name

Colrain Conservation Commission
Army Corp of Engineers

Type of License or funding (specify)

Notice of Intent
401 Water Quality Certification - General Permit

Project Description (narrative):

The project is necessary to restore the embankment along the east side the Jacksonville Road where it has collapsed into the North River, undermining the right lane on the road. The Project includes the addition of bank armoring to avoid future embankment failures. Overall, the project will have approximately 1,056 square feet (sf) of impacts to WOTUS (650.75 sf permanent impacts and 406 sf temporary impacts) associated with repairing the lower section of the failed embankment and riverbank. Approximately 406 square feet (sf) of temporary impacts are necessary to manage water and contain the work area during construction, and 650.75 sf of permanent impacts are necessary for the dredging of excess material, placement of engineered fill to reestablish a stable grade, and installation of bank armoring along the toe of slope.

Does the project include demolition? If so, specify nature of demolition and describe the building(s) which are proposed for demolition.

Not Applicable.

Does the project include rehabilitation of any existing buildings? If so, specify nature of rehabilitation and describe the building(s) which are proposed for rehabilitation.

Not Applicable.

Does the project include new construction? If so, describe (attach plans and elevations if necessary).

Not Applicable.

950 CMR: OFFICE OF THE SECRETARY OF THE COMMONWEALTH

APPENDIX A (continued)

To the best of your knowledge, are any historic or archaeological properties known to exist within the project's area of potential impact? If so, specify.

Not Applicable.

What is the total acreage of the project area?

Woodland _____ acres	Productive Resources:
Wetland _____ acres	Agriculture _____ acres
Floodplain _____ acres	Forestry _____ acres
Open space <0.10 _____ acres	Mining/Extraction _____ acres
Developed <0.15 _____ acres	Total Project Acreage <0.25 _____ acres

What is the acreage of the proposed new construction? _____ acres

What is the present land use of the project area?

Existing road, road shoulder and embankment, and riverbank.

Please attach a copy of the section of the USGS quadrangle map which clearly marks the project location.

This Project Notification Form has been submitted to the MHC in compliance with 950 CMR 71.00.

Signature of Person submitting this form: _____ Date: _____

Name: Paul Martin

Address: 1 Mercantile Street, Suite 610

City/Town/Zip: Worcester, MA 01608

Telephone: 617-896-4325

REGULATORY AUTHORITY

950 CMR 71.00: M.G.L. c. 9, §§ 26-27C as amended by St. 1988, c. 254.

17. PROJECT PLANS (BY CHECKING THE BOXES BELOW, YOU CERTIFY THESE ITEMS ARE COMPLETE) (see instructions)

- a. Plans shall at least contain the following: Vicinity Map, Plan View, and Typical Cross Section View of the proposed activity.
- b. All direct, indirect and secondary impacts from USACE regulated activities are shown on the project plans.
- c. The size of the impact area for each activity (acre, square feet, linear feet) are shown on the project plans.
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18. AVOIDANCE & MINIMIZATION (BY CHECKING THE BOXES BELOW, YOU CERTIFY THESE CRITERIA ARE MET) (see instructions)

- a. The project has been designed to avoid and minimize impacts to aquatic resources.
- b. The footprint of activities in waters of the U.S. has been reduced to only what is necessary to achieve the overall project purpose.
- c. All practicable measures have been taken to avoid and minimize impacts to aquatic resources through construction techniques and site access (e.g., Best Management Practices, Time of Year Restrictions).
- d. All temporary impacts from USACE regulated activities will be restored upon completion of construction and the project area will be returned to pre-construction contours and conditions.

COMPLIANCE WITH FEDERAL REGULATIONS & SUPPLEMENTAL INFORMATION

19. DUE DILIGENCE (see instructions)

Complete the entries below to document compliance with the following Federal requirements. Construction may NOT begin if a PCN is/may be required, and you must contact USACE to determine permitting requirements. Documentation that demonstrates how the activity complies with each field below shall be submitted to the USACE as noted in the instructions block. See each General Condition (GC) in the GP for how to comply with each requirement.

- a. State Historic Preservation Officer Per Appendix A, SHPO was notified and they did not respond with concerns within 30 days.
- b. Massachusetts BUAR Per Appendix A, BUAR was notified and they did not respond with concerns within 30 days.
- c. Tribal Historic Preservation Officers The Tribe(s) were notified and they didn't respond with concerns within 30 days.
- d. Endangered Species Act - NOAA The activity is not located within the ESA-listed Species Range.
- e. Endangered Species Act - USFWS The activity is not located within the ESA-listed Species Range.
- f. Northern Long Eared Bat (ESA) No effect determination reached with the Rangewide D-Key. See Instructions below.*
- g. Essential Fish Habitat The project footprint does not contain EFH (see EFH definition in the MA GP).
- h. Wild & Scenic Rivers There are no WSR's within 0.25 miles of the project area.
- i. 401 Water Quality Certification 401 The activity qualifies under the general 401 WQC for the 2023 MA GPs.
401 WQC/OOC File Number: OOC issued: 401 issued:
- j. Section 408 Permission Not Required per GC 15a-f, no Federal Projects are within the project vicinity.
- k. Coastal Zone The project is not located within the coastal zone.
- l. Construction Mats N/A, the activity does not require the installation of construction mats.
- m. Time of Year Restrictions The project complies with TOY Restrictions in GC 20.
- n. Vernal Pools Per GC 28, the project is not located in a vernal pool.
- o. Sediment & Erosion Controls Per GC 25, the activity uses BMPs to avoid/minimize sedimentation & erosion.
- p. Stream/Wetland Crossings The activity does not require a stream/wetland crossing.

20. AQUACULTURE ACTIVITIES - GP 18 (see instructions)

- a. If required, an Aquaculture Certification from the Massachusetts Division of Marine Fisheries was obtained prior to commencing work.
- b. Coordination with the U.S. Coast Guard pursuant to Private Aids to Navigation has occurred prior to commencing work.
- c. If required, a MEPA Certificate was obtained from the Massachusetts Environmental Protection Agency prior to commencing work. Select Option
- d. The prospective permittee contacted local authorities (e.g. harbormaster, select board, shellfish constable) for authorization of their facility prior to commencing work.

21. ADDITIONAL INFORMATION/ATTACHMENTS (see instructions)

- a. The project plans are enclosed in this SVN submittal (see block 17).
- b. The activity IS NOT funded through the Bipartisan Infrastructure Bill (also known as the Infrastructure Investment and Jobs Act).
- c. All required state, local and federal approvals were acquired prior to starting construction in USACE jurisdiction.
- d. After construction of the activity is completed, a complete Certificate of Compliance will be submitted to USACE.

22. IS THERE ANOTHER LEAD FEDERAL AGENCY:

- YES NO

23. STATEMENT OF AUTHORIZATION (see instructions)

I certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

Ken P. Fox

12-18-23

Paul D Martin

Digitally signed by Paul D Martin
DN: cn=US, email=PaulMartin@bascgroup.com, o=BSC Group, cn=Paul
D Martin
Date: 2023.12.14 12:55:04-0500

12/14/23

SIGNATURE OF APPLICANT

DATE

SIGNATURE OF AGENT

DATE

24. SIGNATURES (see instructions)

I hereby certify that the information in this Self-Verification Notification is complete and accurate. As the applicant or their duly authorized agent, I certify the activity was completed in accordance with the terms and conditions of the GP. This includes all applicable terms, general conditions, and activity-specific GP criteria. I agree to allow the duly authorized representatives of the Corps of Engineers Regulatory Program and other regulatory or advisory agencies to enter upon the premises of the project site at reasonable times to evaluate inspect and photograph site conditions. This consent to enter the property is superior to, takes precedence over, and waives any communication to the contrary. For example, if the property is posted as "no trespassing" this consent specifically supersedes and waives that prohibition and grants permission to enter the property despite such posting.

Ken P. Fox

12-18-23

Paul D Martin

Digitally signed by Paul D Martin
DN: cn=US, email=PaulMartin@bascgroup.com, o=BSC Group, cn=Paul
D Martin
Date: 2023.12.14 12:55:17-0500

12/14/23

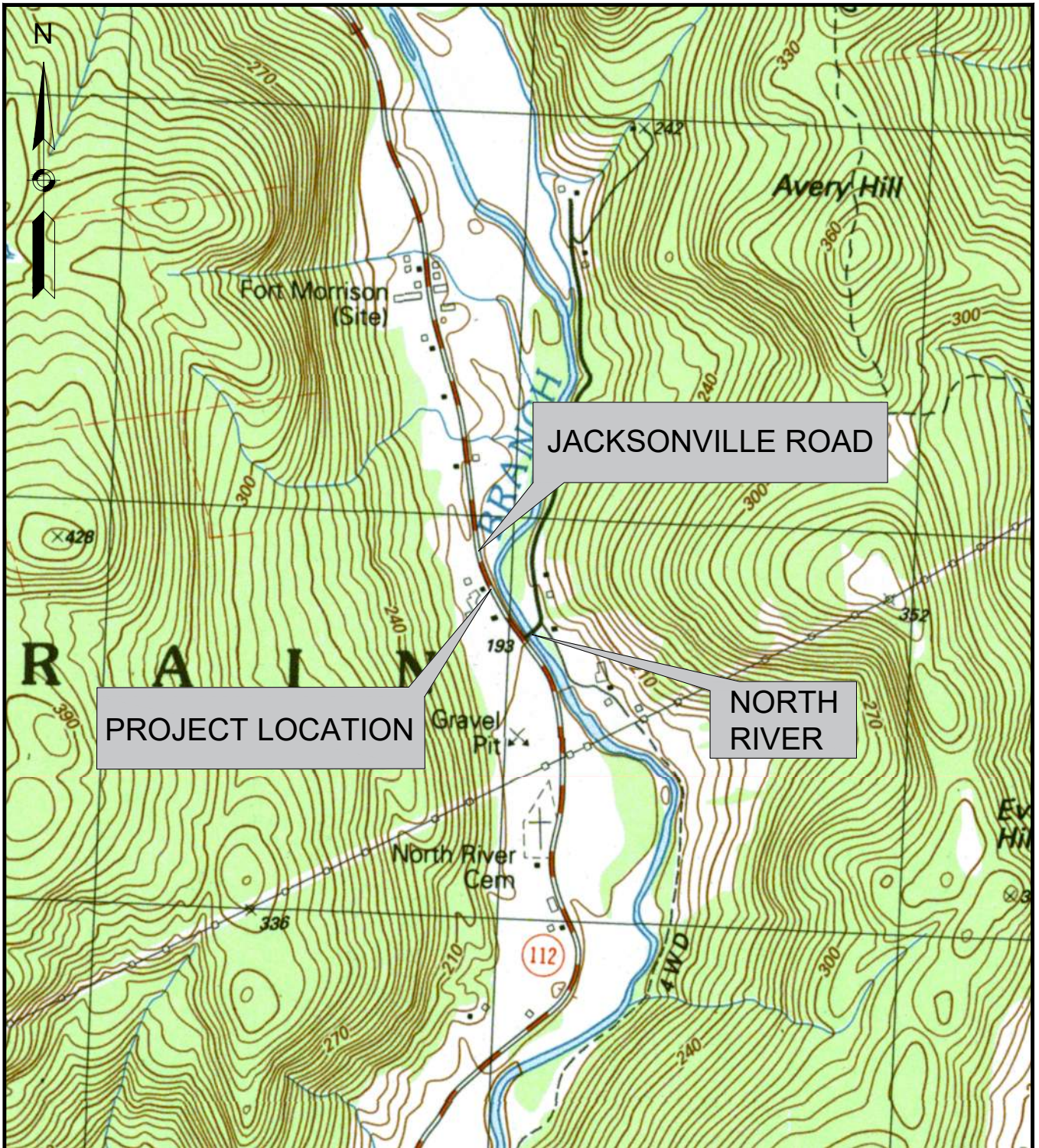
SIGNATURE OF APPLICANT

DATE

SIGNATURE OF AGENT

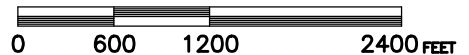
DATE

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.



LATITUDE: 42°41'26.4"N
 LONGITUDE: 72°41'34.6"W

SCALE: 1" = 1200'



PREPARED FOR:

TOWN OF COLRAIN
 55 MAIN ROAD
 COLRAIN, MA 01340

LOCUS MAP

Source:

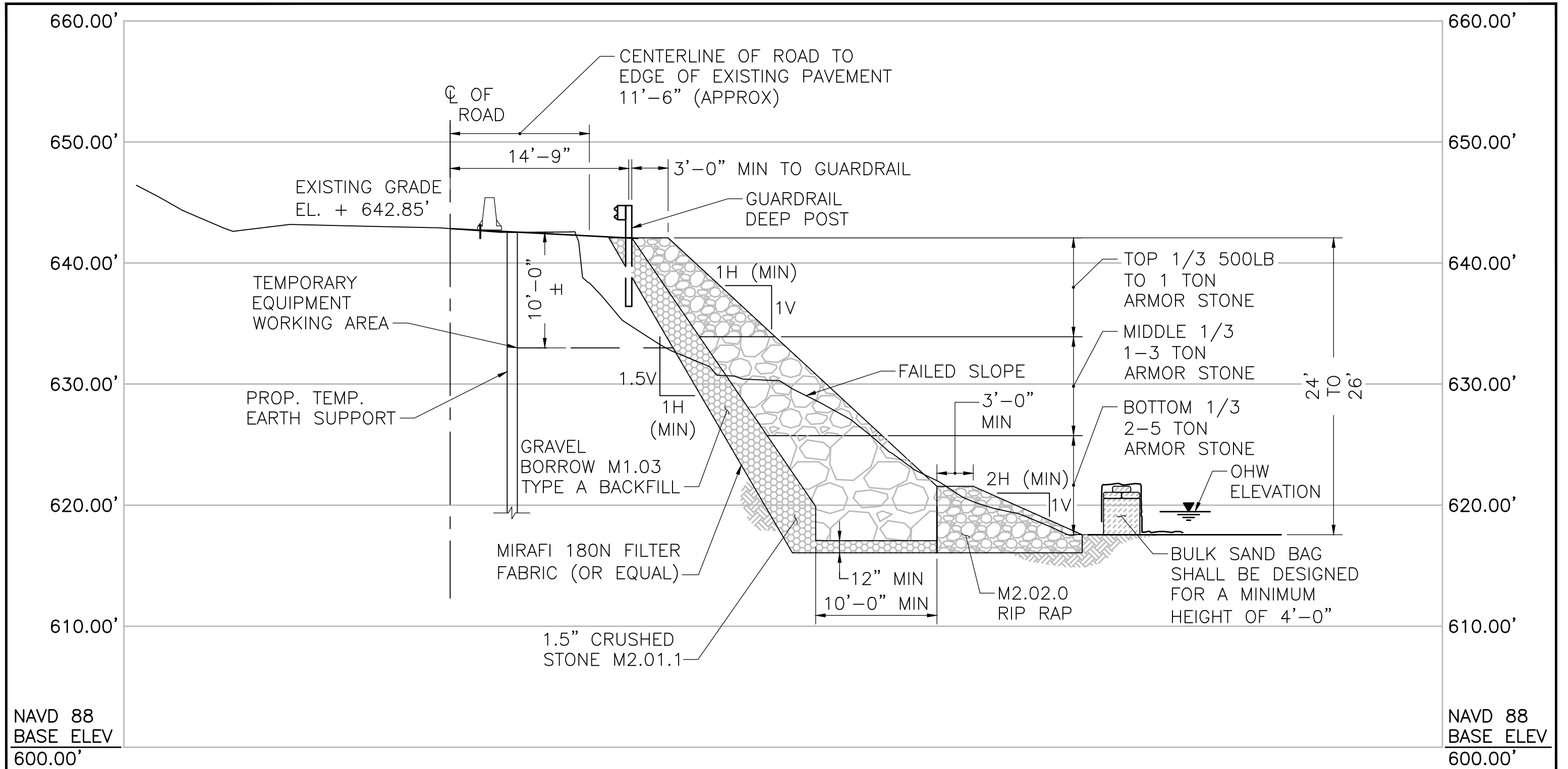
SLOPE STABILIZATION
 JACKSONVILLE ROAD
 COLRAIN, MA
 FRANKLIN COUNTY



803 Summer Street
 Boston, Massachusetts
 02127


617 896 4300

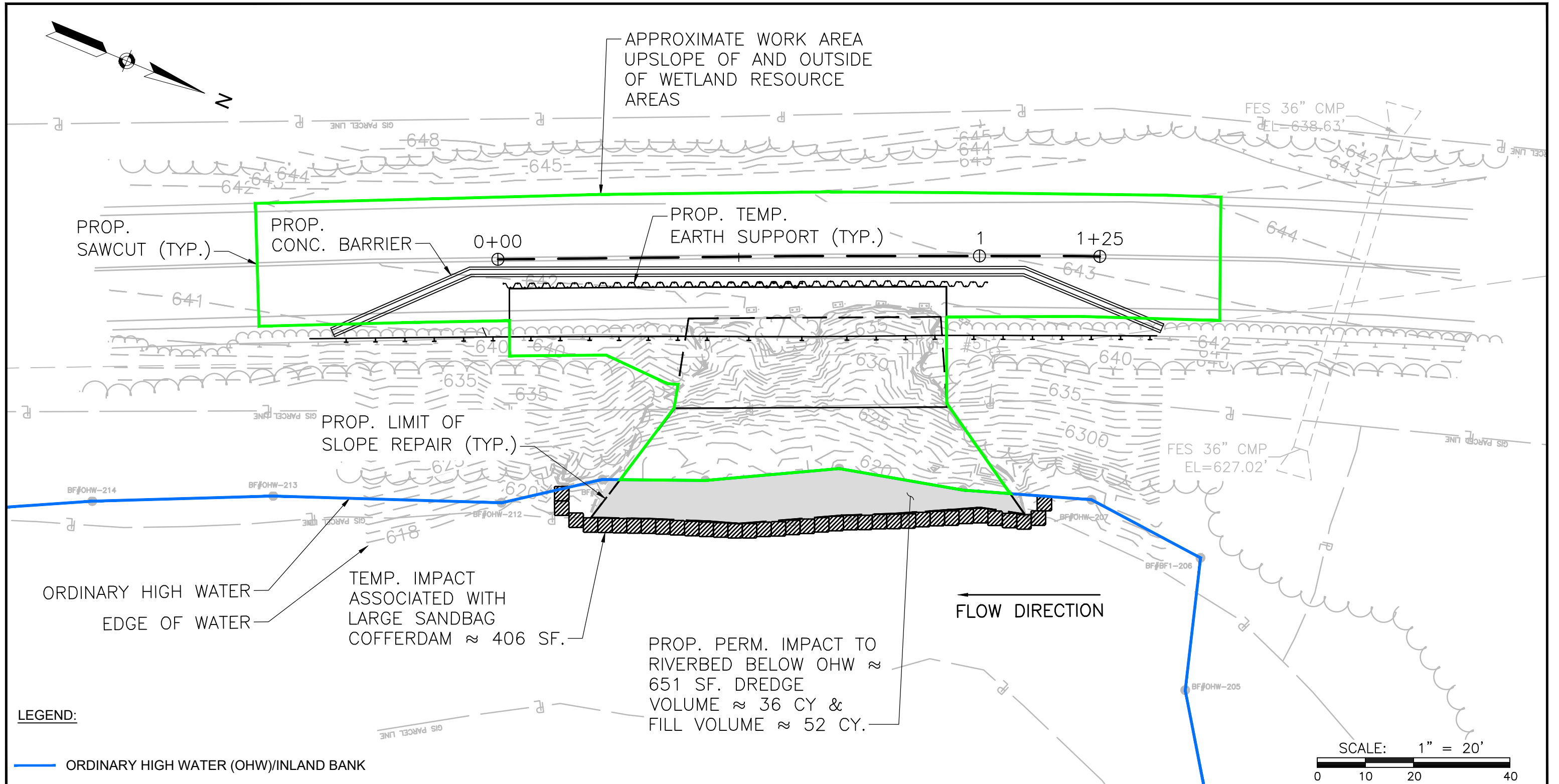
Job No.:	28498.00	Date:	11/13/2023
Scale:	1"=1200'	Revised:	
Dwg. No.:	Locus	Figure:	2 OF 8



NAVD 88
BASE ELEV
600.00'

NAVD 88
BASE ELEV
600.00'

PREPARED FOR: TOWN OF COLRAIN 55 MAIN ROAD COLRAIN, MA 01340	PROPOSED WALL ELEVATION SLOPE STABILIZATION JACKSONVILLE ROAD COLRAIN, MA FRANKLIN COUNTY	Job No.: <u>28498.00</u> Date: <u>11/30/2023</u> Scale: <u>N/A</u> Revised: _____ Description: <u>X. SEC.</u> Figure: <u>7 OF 8</u>	 803 Summer Street Boston, Massachusetts 02127 617 896 4300
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PREPARED FOR:

TOWN OF COLRAIN
55 MAIN ROAD
COLRAIN, MA 01340

SECTION 404 WETLAND RESOURCE IMPACTS

Source:

SLOPE STABILIZATION
JACKSONVILLE ROAD
COLRAIN, MA
FRANKLIN COUNTY

Job No.: 28498.00 Date: 11/30/2023

Scale: N/A Revised: _____

Description: IMPACTS Figure: 8 OF 8

BSC GROUP

803 Summer Street
Boston, Massachusetts
02127

617 896 4300

DECEMBER 26, 2023

www.bscgroup.com

Tribal Historic Preservation Officer
Narragansett Indian Longhouse
4425 South County Trail
Charlestown, RI 02813

Subject: Section 106 Consultation for Jacksonville Road Embankment Repair Project

Dear THPO,

On behalf of the Town of Colrain, BSC Group, Inc. is requesting your review of the attached information, relative to the Jacksonville Road Embankment Repair Project in Colrain, Massachusetts. The repair work consists of armoring the riverbank and steep slope and filling in the area of the embankment failure where soil has been lost. The footprint of work is confined within the area currently disturbed by the slope failure and resulting damage to the guardrail and the adjacent pavement on the western side of the road. Due to the project impacts on federally regulated wetland resources and a perennial stream, we will be filing a Self-Verification Notification (SVN), with the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act. As such, this Project is subject to review under Section 106 of the National Historic Preservation Act (NHPA), and in accordance with 33 CFR Part 325 Appendix C and 36 CFR Part 800, we are requesting your review of the enclosed plans, which show the overall Project design, as well as the existing and proposed site conditions.

Review of the Massachusetts Historic Commission (MACRIS) site indicates there are no known archaeological sites or historic properties on or within 0.5 miles of the site. We are requesting that you review the attached materials and inform the Corps if:

- (a) There are any known historic properties or cultural resources within the Corps Permit Area;
- (b) You would like to schedule a site walk of the Permit Area.

If you have any questions or require additional information, please do not hesitate to contact me at (617) 896-4325, or by email at pmartin@bscgroup.com.

Sincerely,



Paul Martin,
Sr. Project Manager

CC: Micah Morrison- BSC
Kevin Fox-Town of Colrain

950 CMR: OFFICE OF THE SECRETARY OF THE COMMONWEALTH

APPENDIX A

MASSACHUSETTS HISTORICAL COMMISSION
220 MORRISSEY BOULEVARD
BOSTON, MASS. 02125
617-727-8470, FAX: 617-727-5128

PROJECT NOTIFICATION FORM

Project Name: Jacksonville Road Embankment Failure Repair Project

Location / Address: Across the street from 146 Jacksonville Road

City / Town: Colrain, MA

Project Proponent

Name: Town of Colrain

Address: 55 Main Road

City/Town/Zip/Telephone: Colrain, MA 01340 / 413-624-6306

Agency license or funding for the project (list all licenses, permits, approvals, grants or other entitlements being sought from state and federal agencies).

Agency Name

Colrain Conservation Commission
Army Corp of Engineers

Type of License or funding (specify)

Notice of Intent
401 Water Quality Certification - General Permit

Project Description (narrative):

The project is necessary to restore the embankment along the east side the Jacksonville Road where it has collapsed into the North River, undermining the right lane on the road. The Project includes the addition of bank armoring to avoid future embankment failures. Overall, the project will have approximately 1,056 square feet (sf) of impacts to WOTUS (650.75 sf permanent impacts and 406 sf temporary impacts) associated with repairing the lower section of the failed embankment and riverbank. Approximately 406 square feet (sf) of temporary impacts are necessary to manage water and contain the work area during construction, and 650.75 sf of permanent impacts are necessary for the dredging of excess material, placement of engineered fill to reestablish a stable grade, and installation of bank armoring along the toe of slope.

Does the project include demolition? If so, specify nature of demolition and describe the building(s) which are proposed for demolition.

Not Applicable.

Does the project include rehabilitation of any existing buildings? If so, specify nature of rehabilitation and describe the building(s) which are proposed for rehabilitation.

Not Applicable.

Does the project include new construction? If so, describe (attach plans and elevations if necessary).

Not Applicable.

950 CMR: OFFICE OF THE SECRETARY OF THE COMMONWEALTH

APPENDIX A (continued)

To the best of your knowledge, are any historic or archaeological properties known to exist within the project's area of potential impact? If so, specify.

Not Applicable.

What is the total acreage of the project area?

Woodland _____ acres	Productive Resources:
Wetland _____ acres	Agriculture _____ acres
Floodplain _____ acres	Forestry _____ acres
Open space <0.10 _____ acres	Mining/Extraction _____ acres
Developed <0.15 _____ acres	Total Project Acreage <0.25 _____ acres

What is the acreage of the proposed new construction? _____ acres

What is the present land use of the project area?

Existing road, road shoulder and embankment, and riverbank.

Please attach a copy of the section of the USGS quadrangle map which clearly marks the project location.

This Project Notification Form has been submitted to the MHC in compliance with 950 CMR 71.00.

Signature of Person submitting this form: _____ Date: _____

Name: Paul Martin

Address: 1 Mercantile Street, Suite 610

City/Town/Zip: Worcester, MA 01608

Telephone: 617-896-4325

REGULATORY AUTHORITY

950 CMR 71.00: M.G.L. c. 9, §§ 26-27C as amended by St. 1988, c. 254.

17. PROJECT PLANS (BY CHECKING THE BOXES BELOW, YOU CERTIFY THESE ITEMS ARE COMPLETE) (see instructions)

- a. Plans shall at least contain the following: Vicinity Map, Plan View, and Typical Cross Section View of the proposed activity.
- b. All direct, indirect and secondary impacts from USACE regulated activities are shown on the project plans.
- c. The size of the impact area for each activity (acre, square feet, linear feet) are shown on the project plans.
- d. For discharges of fill material (§404), the volume of fill material is identified on the project plans.
- e. The duration of each impact, permanent or temporary (X days), is identified on the project plans.
- f. Do activities with permanent impacts result in the loss of waters? If so, this is identified on the project plans.
- g. All aquatic resources in the vicinity of the USACE regulated activities are delineated on the project plans.

18. AVOIDANCE & MINIMIZATION (BY CHECKING THE BOXES BELOW, YOU CERTIFY THESE CRITERIA ARE MET) (see instructions)

- a. The project has been designed to avoid and minimize impacts to aquatic resources.
- b. The footprint of activities in waters of the U.S. has been reduced to only what is necessary to achieve the overall project purpose.
- c. All practicable measures have been taken to avoid and minimize impacts to aquatic resources through construction techniques and site access (e.g., Best Management Practices, Time of Year Restrictions).
- d. All temporary impacts from USACE regulated activities will be restored upon completion of construction and the project area will be returned to pre-construction contours and conditions.

COMPLIANCE WITH FEDERAL REGULATIONS & SUPPLEMENTAL INFORMATION

19. DUE DILIGENCE (see instructions)

Complete the entries below to document compliance with the following Federal requirements. Construction may NOT begin if a PCN is/may be required, and you must contact USACE to determine permitting requirements. Documentation that demonstrates how the activity complies with each field below shall be submitted to the USACE as noted in the instructions block. See each General Condition (GC) in the GP for how to comply with each requirement.

- a. State Historic Preservation Officer Per Appendix A, SHPO was notified and they did not respond with concerns within 30 days.
- b. Massachusetts BUAR Per Appendix A, BUAR was notified and they did not respond with concerns within 30 days.
- c. Tribal Historic Preservation Officers The Tribe(s) were notified and they didn't respond with concerns within 30 days.
- d. Endangered Species Act - NOAA The activity is not located within the ESA-listed Species Range.
- e. Endangered Species Act - USFWS The activity is not located within the ESA-listed Species Range.
- f. Northern Long Eared Bat (ESA) No effect determination reached with the Rangewide D-Key. See Instructions below.*
- g. Essential Fish Habitat The project footprint does not contain EFH (see EFH definition in the MA GP).
- h. Wild & Scenic Rivers There are no WSR's within 0.25 miles of the project area.
- i. 401 Water Quality Certification 401 The activity qualifies under the general 401 WQC for the 2023 MA GPs.
401 WQC/OOC File Number: OOC issued: 401 issued:
- j. Section 408 Permission Not Required per GC 15a-f, no Federal Projects are within the project vicinity.
- k. Coastal Zone The project is not located within the coastal zone.
- l. Construction Mats N/A, the activity does not require the installation of construction mats.
- m. Time of Year Restrictions The project complies with TOY Restrictions in GC 20.
- n. Vernal Pools Per GC 28, the project is not located in a vernal pool.
- o. Sediment & Erosion Controls Per GC 25, the activity uses BMPs to avoid/minimize sedimentation & erosion.
- p. Stream/Wetland Crossings The activity does not require a stream/wetland crossing.

20. AQUACULTURE ACTIVITIES - GP 18 (see instructions)

- a. If required, an Aquaculture Certification from the Massachusetts Division of Marine Fisheries was obtained prior to commencing work.
- b. Coordination with the U.S. Coast Guard pursuant to Private Aids to Navigation has occurred prior to commencing work.
- c. If required, a MEPA Certificate was obtained from the Massachusetts Environmental Protection Agency prior to commencing work. Select Option
- d. The prospective permittee contacted local authorities (e.g. harbormaster, select board, shellfish constable) for authorization of their facility prior to commencing work.

21. ADDITIONAL INFORMATION/ATTACHMENTS (see instructions)

- a. The project plans are enclosed in this SVN submittal (see block 17).
- b. The activity IS NOT funded through the Bipartisan Infrastructure Bill (also known as the Infrastructure Investment and Jobs Act).
- c. All required state, local and federal approvals were acquired prior to starting construction in USACE jurisdiction.
- d. After construction of the activity is completed, a complete Certificate of Compliance will be submitted to USACE.

22. IS THERE ANOTHER LEAD FEDERAL AGENCY:

- YES NO

23. STATEMENT OF AUTHORIZATION (see instructions)

I certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

Ken P. Fox

12-18-23

Paul D Martin

Digitally signed by Paul D Martin
DN: cn=US, email=PaulMartin@bascgroup.com, o=BSC Group, cn=Paul
D Martin
Date: 2023.12.14 12:55:04-0500

12/14/23

SIGNATURE OF APPLICANT

DATE

SIGNATURE OF AGENT

DATE

24. SIGNATURES (see instructions)

I hereby certify that the information in this Self-Verification Notification is complete and accurate. As the applicant or their duly authorized agent, I certify the activity was completed in accordance with the terms and conditions of the GP. This includes all applicable terms, general conditions, and activity-specific GP criteria. I agree to allow the duly authorized representatives of the Corps of Engineers Regulatory Program and other regulatory or advisory agencies to enter upon the premises of the project site at reasonable times to evaluate inspect and photograph site conditions. This consent to enter the property is superior to, takes precedence over, and waives any communication to the contrary. For example, if the property is posted as "no trespassing" this consent specifically supersedes and waives that prohibition and grants permission to enter the property despite such posting.

Ken P. Fox

12-18-23

Paul D Martin

Digitally signed by Paul D Martin
DN: cn=US, email=PaulMartin@bascgroup.com, o=BSC Group, cn=Paul
D Martin
Date: 2023.12.14 12:55:17-0500

12/14/23

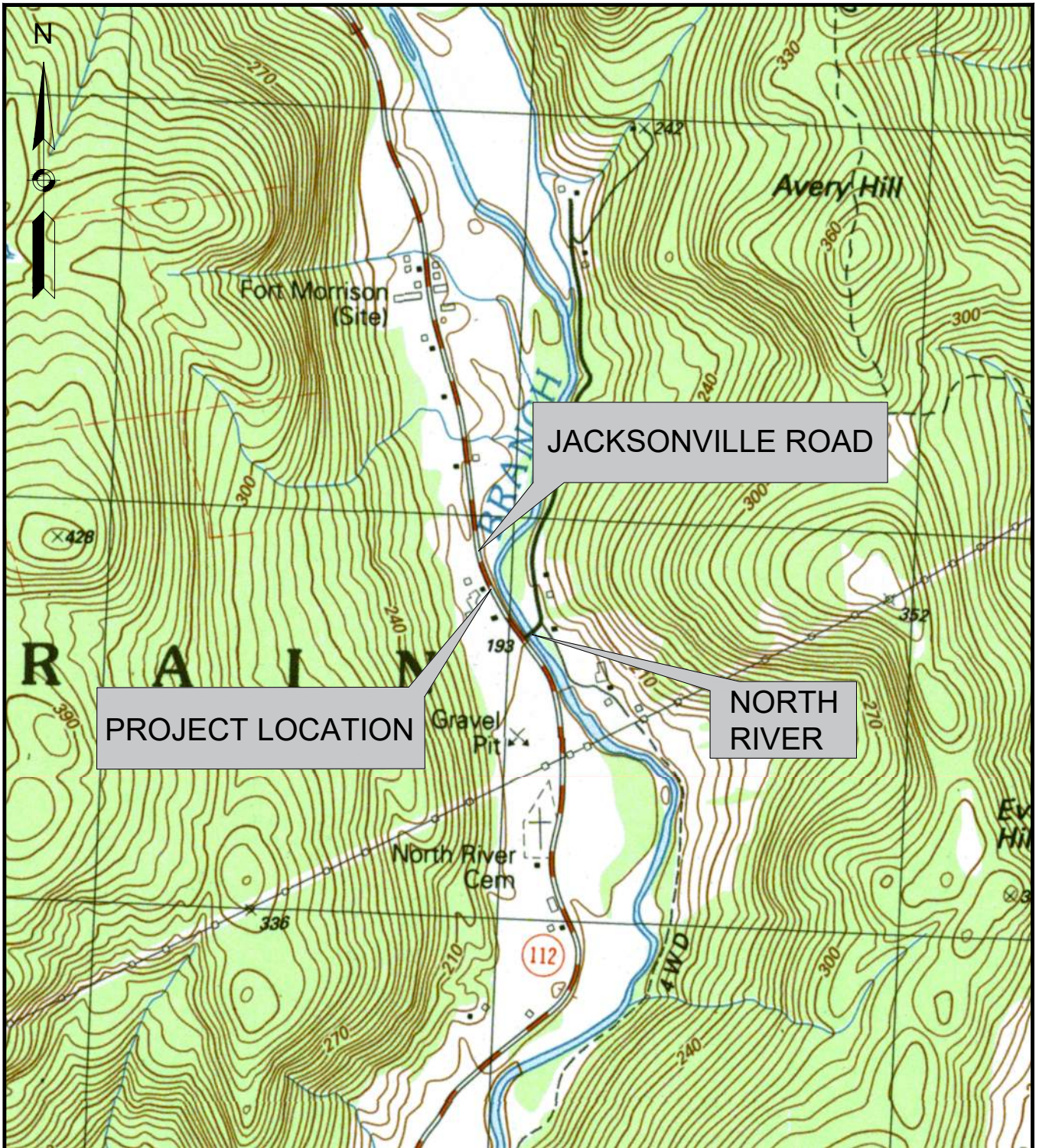
SIGNATURE OF APPLICANT

DATE

SIGNATURE OF AGENT

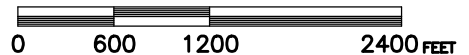
DATE

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.



LATITUDE: 42°41'26.4"N
 LONGITUDE: 72°41'34.6"W

SCALE: 1" = 1200'



PREPARED FOR:

TOWN OF COLRAIN
 55 MAIN ROAD
 COLRAIN, MA 01340

LOCUS MAP

Source:

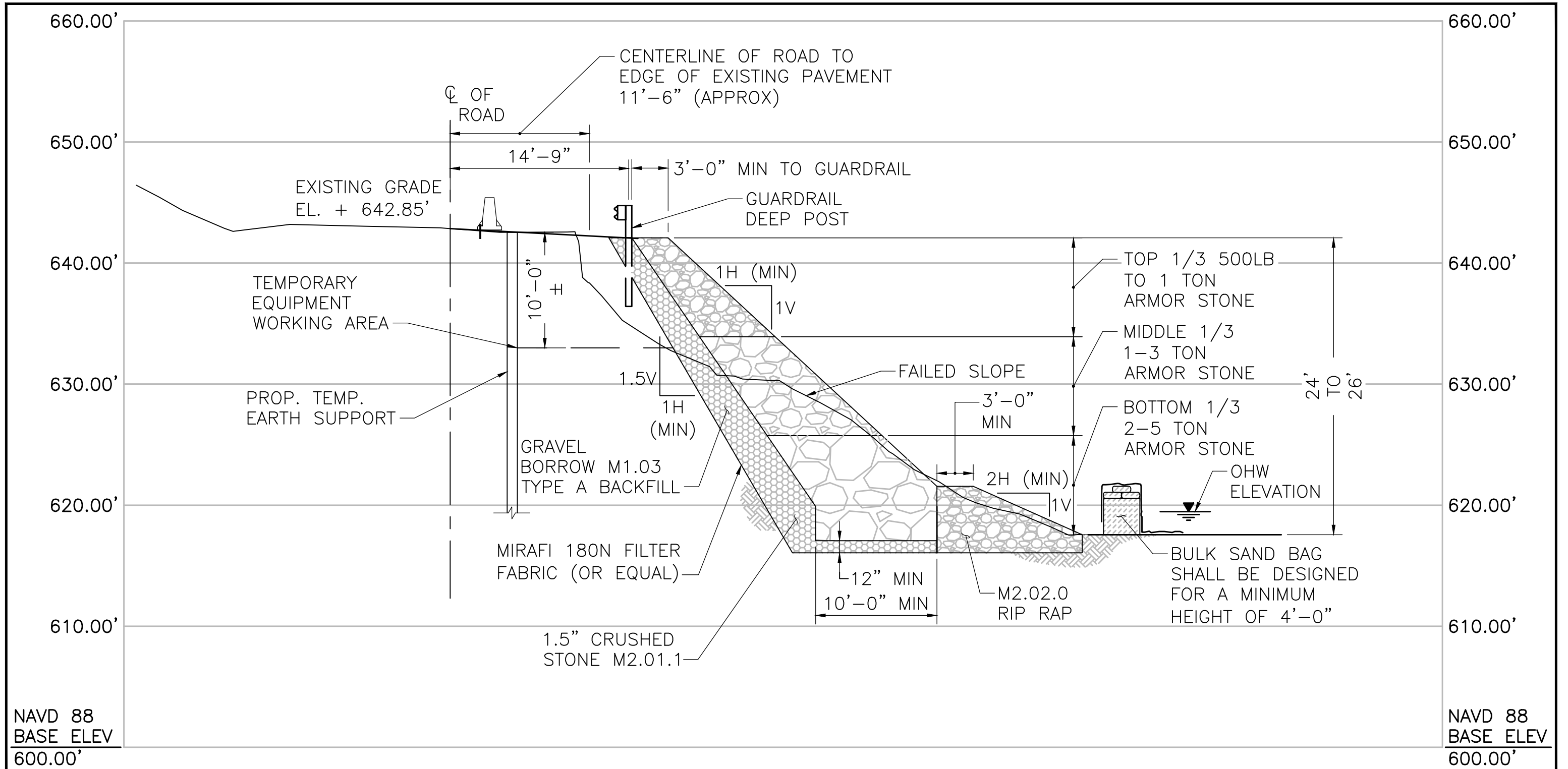
SLOPE STABILIZATION
 JACKSONVILLE ROAD
 COLRAIN, MA
 FRANKLIN COUNTY



803 Summer Street
 Boston, Massachusetts
 02127

617 896 4300

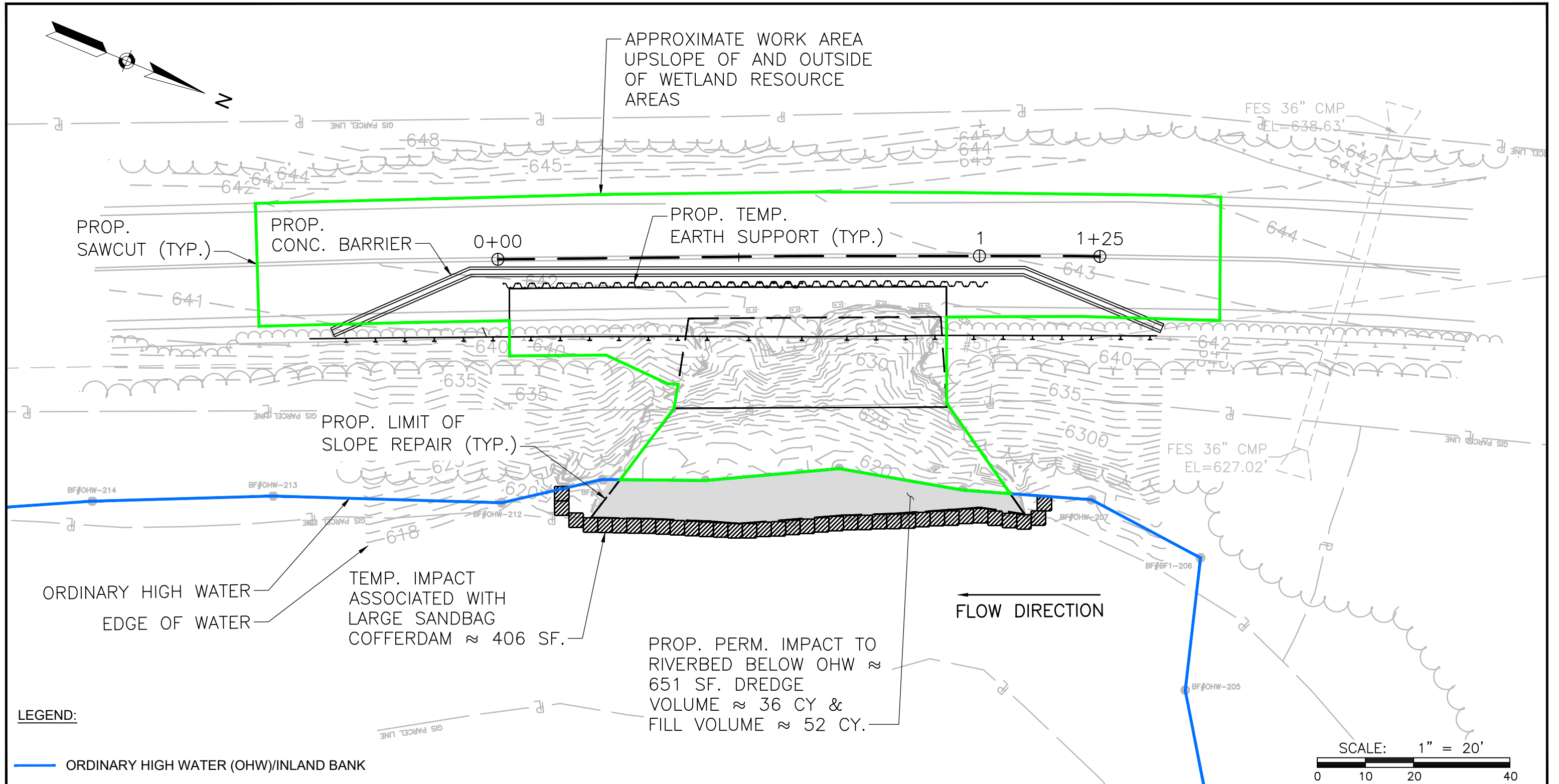
Job No.: 28498.00	Date: 11/13/2023
Scale: 1"=1200'	Revised:
Dwg. No.: Locus	Figure: 2 OF 8



NAVD 88
BASE ELEV
600.00'

NAVD 88
BASE ELEV
600.00'

<p>PREPARED FOR:</p> <p>TOWN OF COLRAIN 55 MAIN ROAD COLRAIN, MA 01340</p>	<p style="text-align: center;">PROPOSED WALL ELEVATION</p> <p>Source:</p> <p style="text-align: center;">SLOPE STABILIZATION JACKSONVILLE ROAD COLRAIN, MA FRANKLIN COUNTY</p>	<p>Job No.: 28498.00 Date: 11/30/2023</p> <p>Scale: N/A Revised: _____</p> <p>Description: X. SEC. Figure: 7 OF 8</p>	<p style="text-align: center;">BSC GROUP</p> <p>803 Summer Street Boston, Massachusetts 02127 617 896 4300</p>
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LEGEND:

— ORDINARY HIGH WATER (OHW)/INLAND BANK

PREPARED FOR:

TOWN OF COLRAIN
55 MAIN ROAD
COLRAIN, MA 01340

SECTION 404 WETLAND RESOURCE IMPACTS
Source:

SLOPE STABILIZATION
JACKSONVILLE ROAD
COLRAIN, MA
FRANKLIN COUNTY

Job No.: 28498.00 Date: 11/30/2023
Scale: N/A Revised: _____
Description: IMPACTS Figure: 8 OF 8

BSC GROUP
803 Summer Street
Boston, Massachusetts
02127
617 896 4300

DECEMBER 26, 2023

www.bscgroup.com

Bettina Washington
Tribal Historic Preservation Officer
Wampanoag Tribe of Gay Head (Aquinnah)
20 Black Brook Road
Aquinnah, MA

Subject: Section 106 Consultation for Jacksonville Road Embankment Repair Project

Dear Bettina Washington,

On behalf of the Town of Colrain, BSC Group, Inc. is requesting your review of the attached information, relative to the Jacksonville Road Embankment Repair Project in Colrain, Massachusetts. The repair work consists of armoring the riverbank and steep slope and filling in the area of the embankment failure where soil has been lost. The footprint of work is confined within the area currently disturbed by the slope failure and resulting damage to the guardrail and the adjacent pavement on the western side of the road. Due to the project impacts on federally regulated wetland resources and a perennial stream, we will be filing a Self-Verification Notification (SVN), with the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act. As such, this Project is subject to review under Section 106 of the National Historic Preservation Act (NHPA), and in accordance with 33 CFR Part 325 Appendix C and 36 CFR Part 800, we are requesting your review of the enclosed plans, which show the overall Project design, as well as the existing and proposed site conditions.

Review of the Massachusetts Historic Commission (MACRIS) site indicates there are no known archaeological sites or historic properties on or within 0.5 miles of the site. We are requesting that you review the attached materials and inform the Corps if:

- (a) There are any known historic properties or cultural resources within the Corps Permit Area;
- (b) You would like to schedule a site walk of the Permit Area.

If you have any questions or require additional information, please do not hesitate to contact me at (617) 896-4325, or by email at pmartin@bscgroup.com.

Sincerely,



Paul Martin,
Sr. Project Manager

CC: Micah Morrison- BSC
Kevin Fox-Town of Colrain

950 CMR: OFFICE OF THE SECRETARY OF THE COMMONWEALTH

APPENDIX A

MASSACHUSETTS HISTORICAL COMMISSION
220 MORRISSEY BOULEVARD
BOSTON, MASS. 02125
617-727-8470, FAX: 617-727-5128

PROJECT NOTIFICATION FORM

Project Name: Jacksonville Road Embankment Failure Repair Project

Location / Address: Across the street from 146 Jacksonville Road

City / Town: Colrain, MA

Project Proponent

Name: Town of Colrain

Address: 55 Main Road

City/Town/Zip/Telephone: Colrain, MA 01340 / 413-624-6306

Agency license or funding for the project (list all licenses, permits, approvals, grants or other entitlements being sought from state and federal agencies).

Agency Name

Colrain Conservation Commission
Army Corp of Engineers

Type of License or funding (specify)

Notice of Intent
401 Water Quality Certification - General Permit

Project Description (narrative):

The project is necessary to restore the embankment along the east side the Jacksonville Road where it has collapsed into the North River, undermining the right lane on the road. The Project includes the addition of bank armoring to avoid future embankment failures. Overall, the project will have approximately 1,056 square feet (sf) of impacts to WOTUS (650.75 sf permanent impacts and 406 sf temporary impacts) associated with repairing the lower section of the failed embankment and riverbank. Approximately 406 square feet (sf) of temporary impacts are necessary to manage water and contain the work area during construction, and 650.75 sf of permanent impacts are necessary for the dredging of excess material, placement of engineered fill to reestablish a stable grade, and installation of bank armoring along the toe of slope.

Does the project include demolition? If so, specify nature of demolition and describe the building(s) which are proposed for demolition.

Not Applicable.

Does the project include rehabilitation of any existing buildings? If so, specify nature of rehabilitation and describe the building(s) which are proposed for rehabilitation.

Not Applicable.

Does the project include new construction? If so, describe (attach plans and elevations if necessary).

Not Applicable.

950 CMR: OFFICE OF THE SECRETARY OF THE COMMONWEALTH

APPENDIX A (continued)

To the best of your knowledge, are any historic or archaeological properties known to exist within the project's area of potential impact? If so, specify.

Not Applicable.

What is the total acreage of the project area?

Woodland _____ acres	Productive Resources:
Wetland _____ acres	Agriculture _____ acres
Floodplain _____ acres	Forestry _____ acres
Open space <0.10 _____ acres	Mining/Extraction _____ acres
Developed <0.15 _____ acres	Total Project Acreage <0.25 _____ acres

What is the acreage of the proposed new construction? _____ acres

What is the present land use of the project area?

Existing road, road shoulder and embankment, and riverbank.

Please attach a copy of the section of the USGS quadrangle map which clearly marks the project location.

This Project Notification Form has been submitted to the MHC in compliance with 950 CMR 71.00.

Signature of Person submitting this form: _____ Date: _____

Name: Paul Martin

Address: 1 Mercantile Street, Suite 610

City/Town/Zip: Worcester, MA 01608

Telephone: 617-896-4325

REGULATORY AUTHORITY

950 CMR 71.00: M.G.L. c. 9, §§ 26-27C as amended by St. 1988, c. 254.

17. PROJECT PLANS (BY CHECKING THE BOXES BELOW, YOU CERTIFY THESE ITEMS ARE COMPLETE) (see instructions)

- a. Plans shall at least contain the following: Vicinity Map, Plan View, and Typical Cross Section View of the proposed activity.
- b. All direct, indirect and secondary impacts from USACE regulated activities are shown on the project plans.
- c. The size of the impact area for each activity (acre, square feet, linear feet) are shown on the project plans.
- d. For discharges of fill material (§404), the volume of fill material is identified on the project plans.
- e. The duration of each impact, permanent or temporary (X days), is identified on the project plans.
- f. Do activities with permanent impacts result in the loss of waters? If so, this is identified on the project plans.
- g. All aquatic resources in the vicinity of the USACE regulated activities are delineated on the project plans.

18. AVOIDANCE & MINIMIZATION (BY CHECKING THE BOXES BELOW, YOU CERTIFY THESE CRITERIA ARE MET) (see instructions)

- a. The project has been designed to avoid and minimize impacts to aquatic resources.
- b. The footprint of activities in waters of the U.S. has been reduced to only what is necessary to achieve the overall project purpose.
- c. All practicable measures have been taken to avoid and minimize impacts to aquatic resources through construction techniques and site access (e.g., Best Management Practices, Time of Year Restrictions).
- d. All temporary impacts from USACE regulated activities will be restored upon completion of construction and the project area will be returned to pre-construction contours and conditions.

COMPLIANCE WITH FEDERAL REGULATIONS & SUPPLEMENTAL INFORMATION

19. DUE DILIGENCE (see instructions)

Complete the entries below to document compliance with the following Federal requirements. Construction may NOT begin if a PCN is/may be required, and you must contact USACE to determine permitting requirements. Documentation that demonstrates how the activity complies with each field below shall be submitted to the USACE as noted in the instructions block. See each General Condition (GC) in the GP for how to comply with each requirement.

- a. State Historic Preservation Officer Per Appendix A, SHPO was notified and they did not respond with concerns within 30 days.
- b. Massachusetts BUAR Per Appendix A, BUAR was notified and they did not respond with concerns within 30 days.
- c. Tribal Historic Preservation Officers The Tribe(s) were notified and they didn't respond with concerns within 30 days.
- d. Endangered Species Act - NOAA The activity is not located within the ESA-listed Species Range.
- e. Endangered Species Act - USFWS The activity is not located within the ESA-listed Species Range.
- f. Northern Long Eared Bat (ESA) No effect determination reached with the Rangewide D-Key. See Instructions below.*
- g. Essential Fish Habitat The project footprint does not contain EFH (see EFH definition in the MA GP).
- h. Wild & Scenic Rivers There are no WSR's within 0.25 miles of the project area.
- i. 401 Water Quality Certification 401 The activity qualifies under the general 401 WQC for the 2023 MA GPs.
401 WQC/OOC File Number: OOC issued: 401 issued:
- j. Section 408 Permission Not Required per GC 15a-f, no Federal Projects are within the project vicinity.
- k. Coastal Zone The project is not located within the coastal zone.
- l. Construction Mats N/A, the activity does not require the installation of construction mats.
- m. Time of Year Restrictions The project complies with TOY Restrictions in GC 20.
- n. Vernal Pools Per GC 28, the project is not located in a vernal pool.
- o. Sediment & Erosion Controls Per GC 25, the activity uses BMPs to avoid/minimize sedimentation & erosion.
- p. Stream/Wetland Crossings The activity does not require a stream/wetland crossing.

20. AQUACULTURE ACTIVITIES - GP 18 (see instructions)

- a. If required, an Aquaculture Certification from the Massachusetts Division of Marine Fisheries was obtained prior to commencing work.
- b. Coordination with the U.S. Coast Guard pursuant to Private Aids to Navigation has occurred prior to commencing work.
- c. If required, a MEPA Certificate was obtained from the Massachusetts Environmental Protection Agency prior to commencing work. Select Option
- d. The prospective permittee contacted local authorities (e.g. harbormaster, select board, shellfish constable) for authorization of their facility prior to commencing work.

21. ADDITIONAL INFORMATION/ATTACHMENTS (see instructions)

- a. The project plans are enclosed in this SVN submittal (see block 17).
- b. The activity IS NOT funded through the Bipartisan Infrastructure Bill (also known as the Infrastructure Investment and Jobs Act).
- c. All required state, local and federal approvals were acquired prior to starting construction in USACE jurisdiction.
- d. After construction of the activity is completed, a complete Certificate of Compliance will be submitted to USACE.

22. IS THERE ANOTHER LEAD FEDERAL AGENCY:

- YES NO

23. STATEMENT OF AUTHORIZATION (see instructions)

I certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

Ken P. Fox

12-18-23

Paul D Martin

Digitally signed by Paul D Martin
DN: cn=US, email=PaulMartin@bascgroup.com, o=BSC Group, cn=Paul
D Martin
Date: 2023.12.14 12:55:04-0500

12/14/23

SIGNATURE OF APPLICANT

DATE

SIGNATURE OF AGENT

DATE

24. SIGNATURES (see instructions)

I hereby certify that the information in this Self-Verification Notification is complete and accurate. As the applicant or their duly authorized agent, I certify the activity was completed in accordance with the terms and conditions of the GP. This includes all applicable terms, general conditions, and activity-specific GP criteria. I agree to allow the duly authorized representatives of the Corps of Engineers Regulatory Program and other regulatory or advisory agencies to enter upon the premises of the project site at reasonable times to evaluate inspect and photograph site conditions. This consent to enter the property is superior to, takes precedence over, and waives any communication to the contrary. For example, if the property is posted as "no trespassing" this consent specifically supersedes and waives that prohibition and grants permission to enter the property despite such posting.

Ken P. Fox

12-18-23

Paul D Martin

Digitally signed by Paul D Martin
DN: cn=US, email=PaulMartin@bascgroup.com, o=BSC Group, cn=Paul
D Martin
Date: 2023.12.14 12:55:17-0500

12/14/23

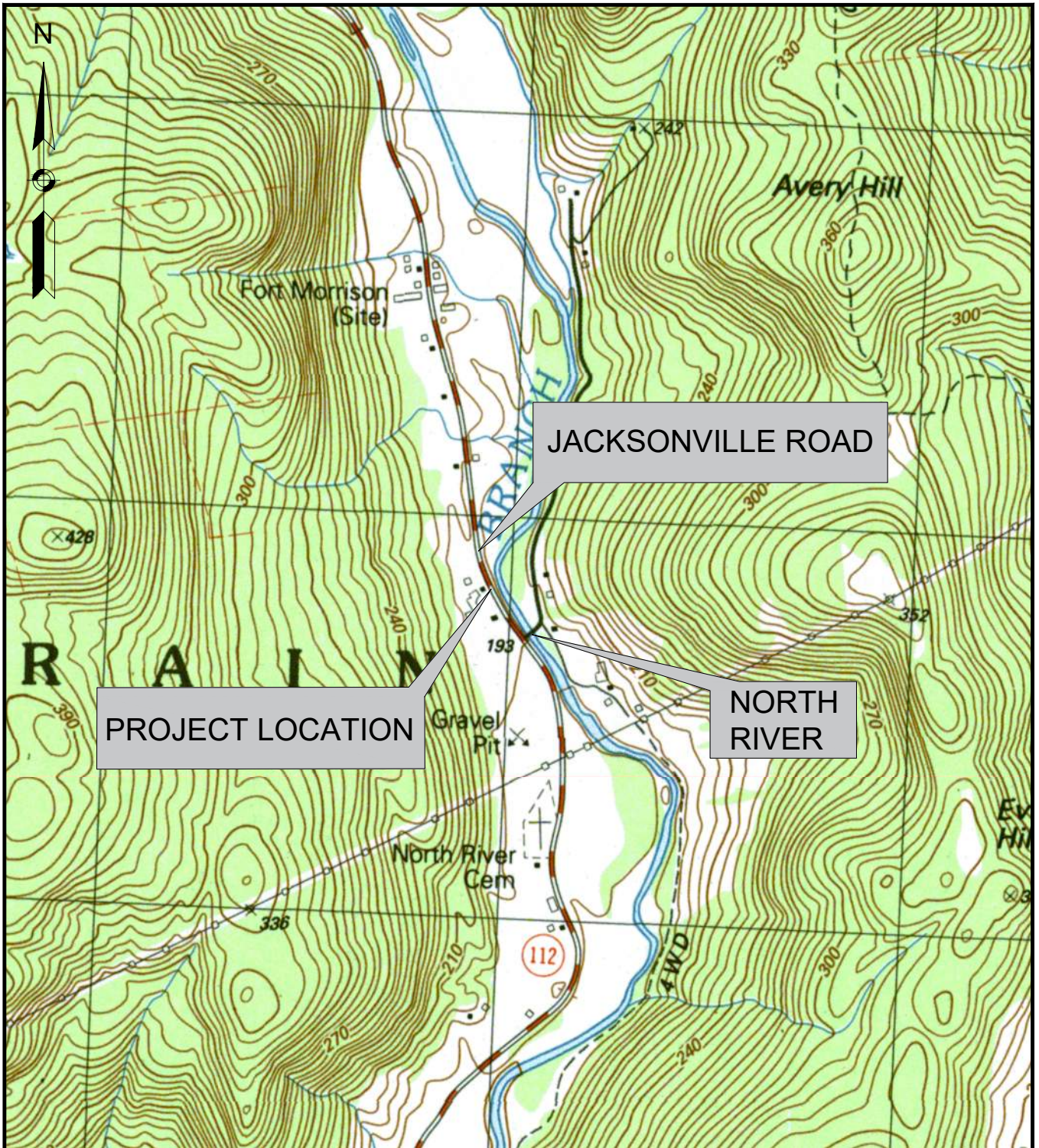
SIGNATURE OF APPLICANT

DATE

SIGNATURE OF AGENT

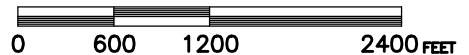
DATE

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.



LATITUDE: 42°41'26.4"N
 LONGITUDE: 72°41'34.6"W

SCALE: 1" = 1200'



PREPARED FOR:

TOWN OF COLRAIN
 55 MAIN ROAD
 COLRAIN, MA 01340

LOCUS MAP

Source:

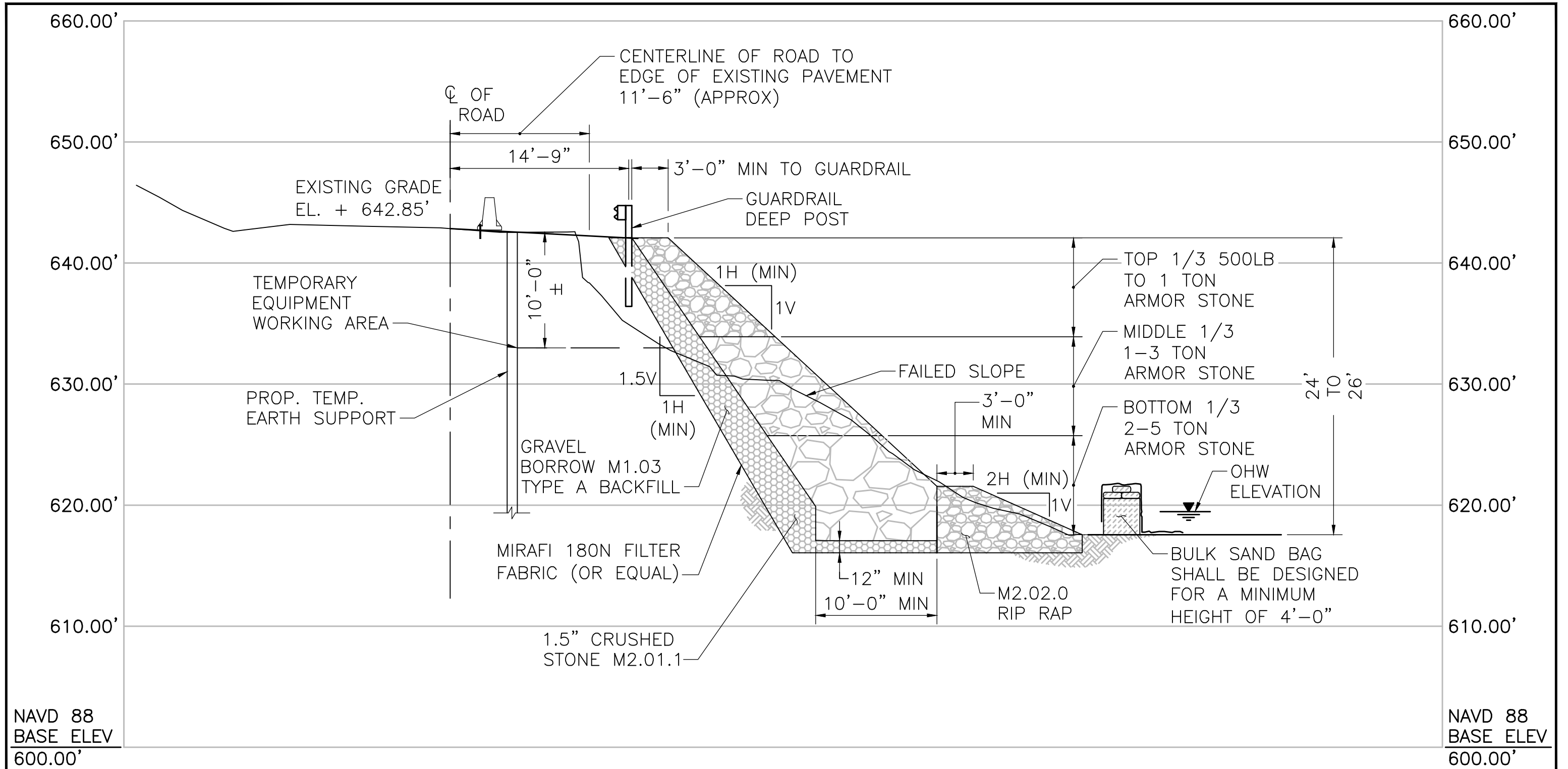
SLOPE STABILIZATION
 JACKSONVILLE ROAD
 COLRAIN, MA
 FRANKLIN COUNTY



803 Summer Street
 Boston, Massachusetts
 02127

617 896 4300

Job No.:	28498.00	Date:	11/13/2023
Scale:	1"=1200'	Revised:	
Dwg. No.:	Locus	Figure:	2 OF 8



PREPARED FOR:

TOWN OF COLRAIN
55 MAIN ROAD
COLRAIN, MA 01340

PROPOSED WALL ELEVATION

Source:

SLOPE STABILIZATION
JACKSONVILLE ROAD
COLRAIN, MA
FRANKLIN COUNTY

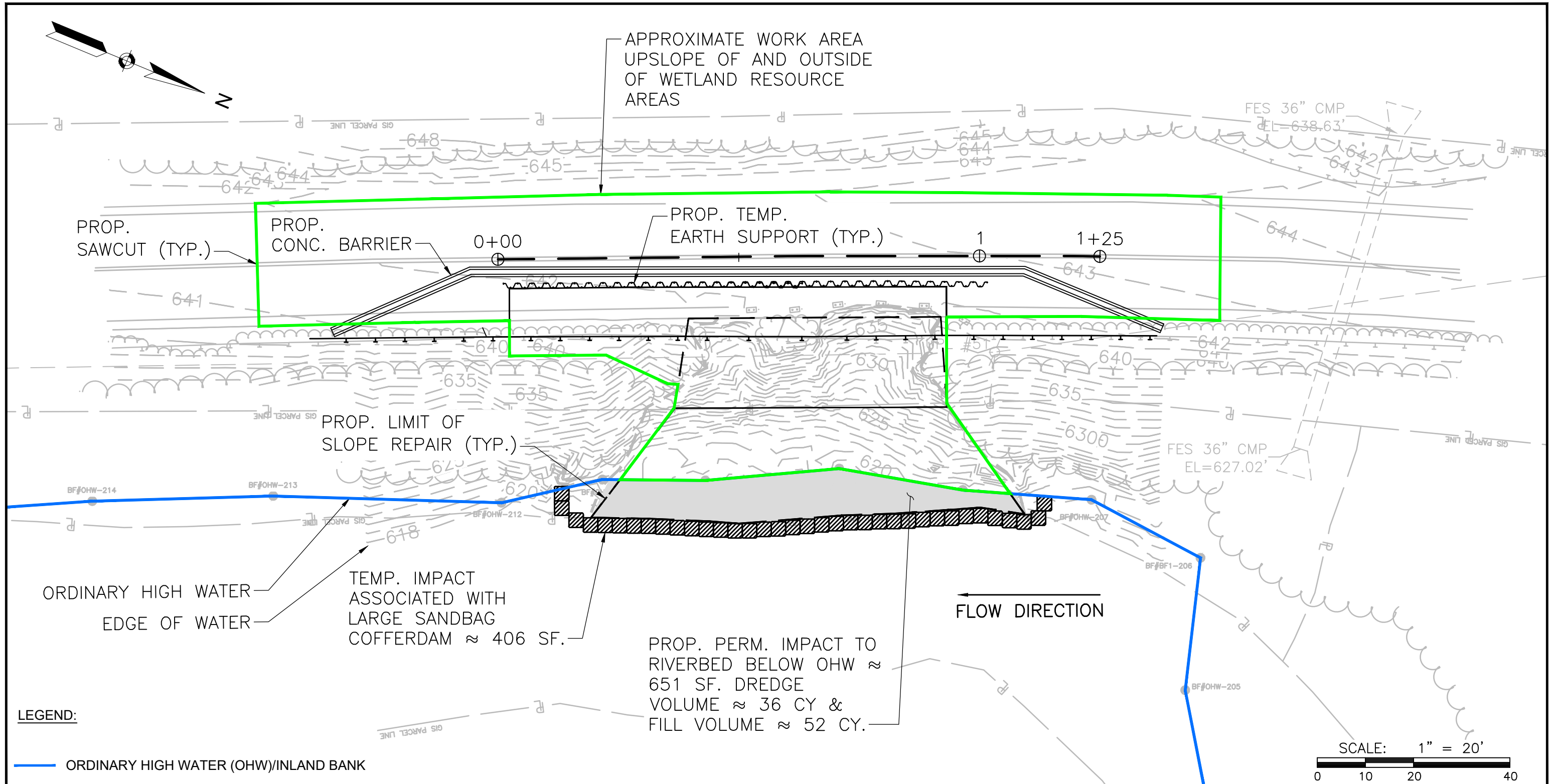
Job No.: 28498.00 Date: 11/30/2023

Scale: N/A Revised: _____

Description: X. SEC. Figure: 7 OF 8

BSC GROUP

803 Summer Street
Boston, Massachusetts
02127
617 896 4300



PREPARED FOR:

TOWN OF COLRAIN
55 MAIN ROAD
COLRAIN, MA 01340

SECTION 404 WETLAND RESOURCE IMPACTS

Source:

SLOPE STABILIZATION
JACKSONVILLE ROAD
COLRAIN, MA
FRANKLIN COUNTY

Job No.: 28498.00 Date: 11/30/2023

Scale: N/A Revised: _____

Description: IMPACTS Figure: 8 OF 8

BSC GROUP

803 Summer Street
Boston, Massachusetts
02127

617 896 4300

DECEMBER 26, 2023

www.bscgroup.com

Tribal Historic Preservation Officer
Mashpee Wampanoag Tribe
483 Great Neck Road South
Mashpee, MA 02649

Subject: Section 106 Consultation for Jacksonville Road Embankment Repair Project

Dear THPO,

On behalf of the Town of Colrain, BSC Group, Inc. is requesting your review of the attached information, relative to the Jacksonville Road Embankment Repair Project in Colrain, Massachusetts. The repair work consists of armoring the riverbank and steep slope and filling in the area of the embankment failure where soil has been lost. The footprint of work is confined within the area currently disturbed by the slope failure and resulting damage to the guardrail and the adjacent pavement on the western side of the road. Due to the project impacts on federally regulated wetland resources and a perennial stream, we will be filing a Self-Verification Notification (SVN), with the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act. As such, this Project is subject to review under Section 106 of the National Historic Preservation Act (NHPA), and in accordance with 33 CFR Part 325 Appendix C and 36 CFR Part 800, we are requesting your review of the enclosed plans, which show the overall Project design, as well as the existing and proposed site conditions.

Review of the Massachusetts Historic Commission (MACRIS) site indicates there are no known archaeological sites or historic properties on or within 0.5 miles of the site. We are requesting that you review the attached materials and inform the Corps if:

- (a) There are any known historic properties or cultural resources within the Corps Permit Area;
- (b) You would like to schedule a site walk of the Permit Area.

If you have any questions or require additional information, please do not hesitate to contact me at (617) 896-4325, or by email at pmartin@bscgroup.com.

Sincerely,



Paul Martin,
Sr. Project Manager

CC: Micah Morrison- BSC
Kevin Fox-Town of Colrain

950 CMR: OFFICE OF THE SECRETARY OF THE COMMONWEALTH

APPENDIX A

MASSACHUSETTS HISTORICAL COMMISSION
220 MORRISSEY BOULEVARD
BOSTON, MASS. 02125
617-727-8470, FAX: 617-727-5128

PROJECT NOTIFICATION FORM

Project Name: Jacksonville Road Embankment Failure Repair Project

Location / Address: Across the street from 146 Jacksonville Road

City / Town: Colrain, MA

Project Proponent

Name: Town of Colrain

Address: 55 Main Road

City/Town/Zip/Telephone: Colrain, MA 01340 / 413-624-6306

Agency license or funding for the project (list all licenses, permits, approvals, grants or other entitlements being sought from state and federal agencies).

Agency Name

Colrain Conservation Commission

Army Corp of Engineers

Type of License or funding (specify)

Notice of Intent

401 Water Quality Certification - General Permit

Project Description (narrative):

The project is necessary to restore the embankment along the east side the Jacksonville Road where it has collapsed into the North River, undermining the right lane on the road. The Project includes the addition of bank armoring to avoid future embankment failures. Overall, the project will have approximately 1,056 square feet (sf) of impacts to WOTUS (650.75 sf permanent impacts and 406 sf temporary impacts) associated with repairing the lower section of the failed embankment and riverbank. Approximately 406 square feet (sf) of temporary impacts are necessary to manage water and contain the work area during construction, and 650.75 sf of permanent impacts are necessary for the dredging of excess material, placement of engineered fill to reestablish a stable grade, and installation of bank armoring along the toe of slope.

Does the project include demolition? If so, specify nature of demolition and describe the building(s) which are proposed for demolition.

Not Applicable.

Does the project include rehabilitation of any existing buildings? If so, specify nature of rehabilitation and describe the building(s) which are proposed for rehabilitation.

Not Applicable.

Does the project include new construction? If so, describe (attach plans and elevations if necessary).

Not Applicable.

950 CMR: OFFICE OF THE SECRETARY OF THE COMMONWEALTH

APPENDIX A (continued)

To the best of your knowledge, are any historic or archaeological properties known to exist within the project's area of potential impact? If so, specify.

Not Applicable.

What is the total acreage of the project area?

Woodland _____ acres	Productive Resources:
Wetland _____ acres	Agriculture _____ acres
Floodplain _____ acres	Forestry _____ acres
Open space <0.10 _____ acres	Mining/Extraction _____ acres
Developed <0.15 _____ acres	Total Project Acreage <0.25 _____ acres

What is the acreage of the proposed new construction? _____ acres

What is the present land use of the project area?

Existing road, road shoulder and embankment, and riverbank.

Please attach a copy of the section of the USGS quadrangle map which clearly marks the project location.

This Project Notification Form has been submitted to the MHC in compliance with 950 CMR 71.00.

Signature of Person submitting this form: _____ Date: _____

Name: Paul Martin

Address: 1 Mercantile Street, Suite 610

City/Town/Zip: Worcester, MA 01608

Telephone: 617-896-4325

REGULATORY AUTHORITY

950 CMR 71.00: M.G.L. c. 9, §§ 26-27C as amended by St. 1988, c. 254.

17. PROJECT PLANS (BY CHECKING THE BOXES BELOW, YOU CERTIFY THESE ITEMS ARE COMPLETE) (see instructions)

- a. Plans shall at least contain the following: Vicinity Map, Plan View, and Typical Cross Section View of the proposed activity.
- b. All direct, indirect and secondary impacts from USACE regulated activities are shown on the project plans.
- c. The size of the impact area for each activity (acre, square feet, linear feet) are shown on the project plans.
- d. For discharges of fill material (§404), the volume of fill material is identified on the project plans.
- e. The duration of each impact, permanent or temporary (X days), is identified on the project plans.
- f. Do activities with permanent impacts result in the loss of waters? If so, this is identified on the project plans.
- g. All aquatic resources in the vicinity of the USACE regulated activities are delineated on the project plans.

18. AVOIDANCE & MINIMIZATION (BY CHECKING THE BOXES BELOW, YOU CERTIFY THESE CRITERIA ARE MET) (see instructions)

- a. The project has been designed to avoid and minimize impacts to aquatic resources.
- b. The footprint of activities in waters of the U.S. has been reduced to only what is necessary to achieve the overall project purpose.
- c. All practicable measures have been taken to avoid and minimize impacts to aquatic resources through construction techniques and site access (e.g., Best Management Practices, Time of Year Restrictions).
- d. All temporary impacts from USACE regulated activities will be restored upon completion of construction and the project area will be returned to pre-construction contours and conditions.

COMPLIANCE WITH FEDERAL REGULATIONS & SUPPLEMENTAL INFORMATION

19. DUE DILIGENCE (see instructions)

Complete the entries below to document compliance with the following Federal requirements. Construction may NOT begin if a PCN is/may be required, and you must contact USACE to determine permitting requirements. Documentation that demonstrates how the activity complies with each field below shall be submitted to the USACE as noted in the instructions block. See each General Condition (GC) in the GP for how to comply with each requirement.

- a. State Historic Preservation Officer Per Appendix A, SHPO was notified and they did not respond with concerns within 30 days.
- b. Massachusetts BUAR Per Appendix A, BUAR was notified and they did not respond with concerns within 30 days.
- c. Tribal Historic Preservation Officers The Tribe(s) were notified and they didn't respond with concerns within 30 days.
- d. Endangered Species Act - NOAA The activity is not located within the ESA-listed Species Range.
- e. Endangered Species Act - USFWS The activity is not located within the ESA-listed Species Range.
- f. Northern Long Eared Bat (ESA) No effect determination reached with the Rangewide D-Key. See Instructions below.*
- g. Essential Fish Habitat The project footprint does not contain EFH (see EFH definition in the MA GP).
- h. Wild & Scenic Rivers There are no WSR's within 0.25 miles of the project area.
- i. 401 Water Quality Certification 401 The activity qualifies under the general 401 WQC for the 2023 MA GPs.
401 WQC/OOC File Number: OOC issued: 401 issued:
- j. Section 408 Permission Not Required per GC 15a-f, no Federal Projects are within the project vicinity.
- k. Coastal Zone The project is not located within the coastal zone.
- l. Construction Mats N/A, the activity does not require the installation of construction mats.
- m. Time of Year Restrictions The project complies with TOY Restrictions in GC 20.
- n. Vernal Pools Per GC 28, the project is not located in a vernal pool.
- o. Sediment & Erosion Controls Per GC 25, the activity uses BMPs to avoid/minimize sedimentation & erosion.
- p. Stream/Wetland Crossings The activity does not require a stream/wetland crossing.

20. AQUACULTURE ACTIVITIES - GP 18 (see instructions)

- a. If required, an Aquaculture Certification from the Massachusetts Division of Marine Fisheries was obtained prior to commencing work.
- b. Coordination with the U.S. Coast Guard pursuant to Private Aids to Navigation has occurred prior to commencing work.
- c. If required, a MEPA Certificate was obtained from the Massachusetts Environmental Protection Agency prior to commencing work. Select Option
- d. The prospective permittee contacted local authorities (e.g. harbormaster, select board, shellfish constable) for authorization of their facility prior to commencing work.

21. ADDITIONAL INFORMATION/ATTACHMENTS (see instructions)

- a. The project plans are enclosed in this SVN submittal (see block 17).
- b. The activity IS NOT funded through the Bipartisan Infrastructure Bill (also known as the Infrastructure Investment and Jobs Act).
- c. All required state, local and federal approvals were acquired prior to starting construction in USACE jurisdiction.
- d. After construction of the activity is completed, a complete Certificate of Compliance will be submitted to USACE.

22. IS THERE ANOTHER LEAD FEDERAL AGENCY:

- YES NO

23. STATEMENT OF AUTHORIZATION (see instructions)

I certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

Ken P. Fox

12-18-23

Paul D Martin

Digitally signed by Paul D Martin
DN: cn=US, email=PaulMartin@bascgroup.com, o=BSC Group, cn=Paul
D Martin
Date: 2023.12.14 12:55:04-0500

12/14/23

SIGNATURE OF APPLICANT

DATE

SIGNATURE OF AGENT

DATE

24. SIGNATURES (see instructions)

I hereby certify that the information in this Self-Verification Notification is complete and accurate. As the applicant or their duly authorized agent, I certify the activity was completed in accordance with the terms and conditions of the GP. This includes all applicable terms, general conditions, and activity-specific GP criteria. I agree to allow the duly authorized representatives of the Corps of Engineers Regulatory Program and other regulatory or advisory agencies to enter upon the premises of the project site at reasonable times to evaluate inspect and photograph site conditions. This consent to enter the property is superior to, takes precedence over, and waives any communication to the contrary. For example, if the property is posted as "no trespassing" this consent specifically supersedes and waives that prohibition and grants permission to enter the property despite such posting.

Ken P. Fox

12-18-23

Paul D Martin

Digitally signed by Paul D Martin
DN: cn=US, email=PaulMartin@bascgroup.com, o=BSC Group, cn=Paul
D Martin
Date: 2023.12.14 12:55:17-0500

12/14/23

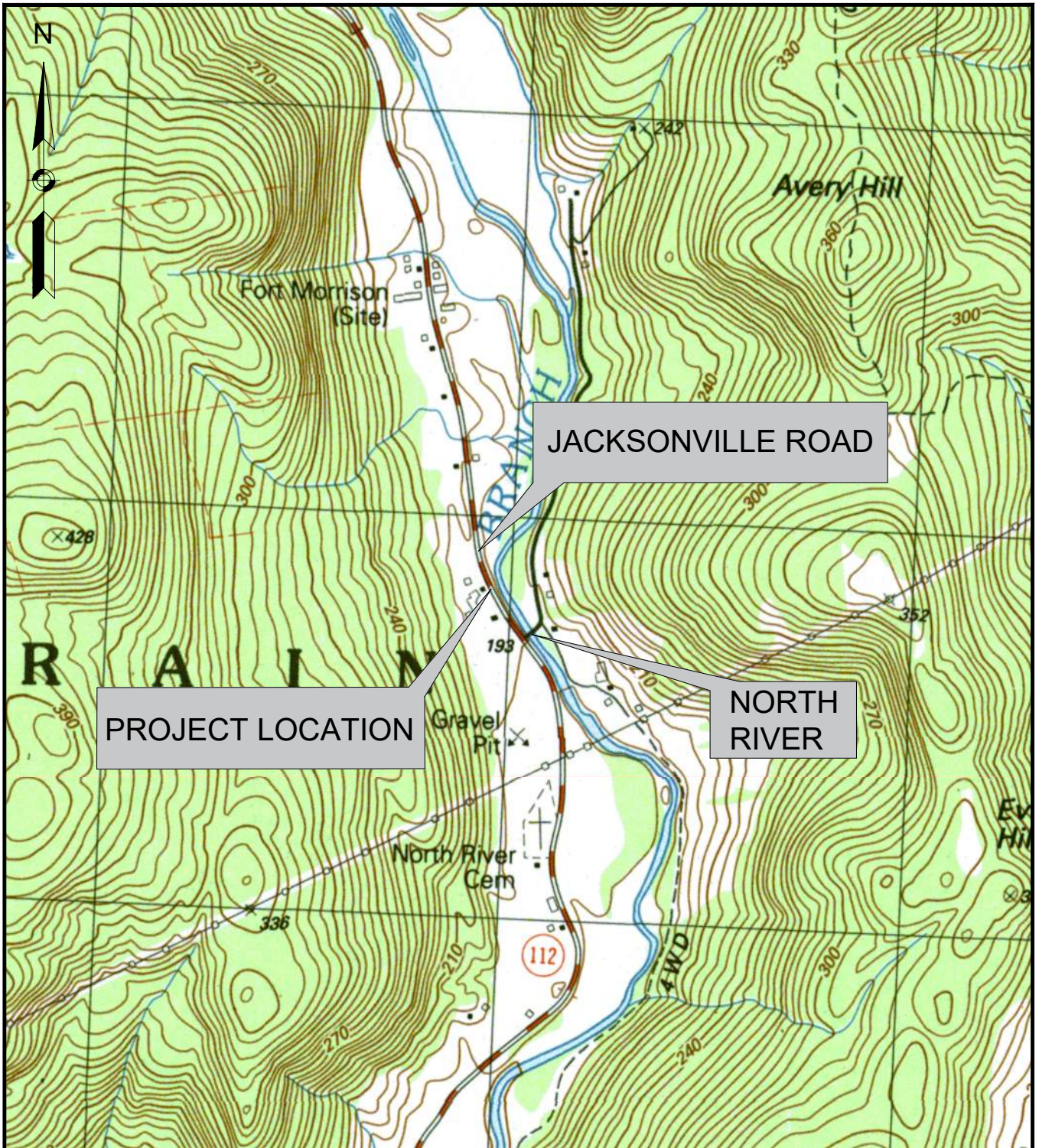
SIGNATURE OF APPLICANT

DATE

SIGNATURE OF AGENT

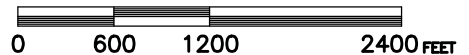
DATE

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.



LATITUDE: 42°41'26.4"N
 LONGITUDE: 72°41'34.6"W

SCALE: 1" = 1200'



PREPARED FOR:

TOWN OF COLRAIN
 55 MAIN ROAD
 COLRAIN, MA 01340

LOCUS MAP

Source:

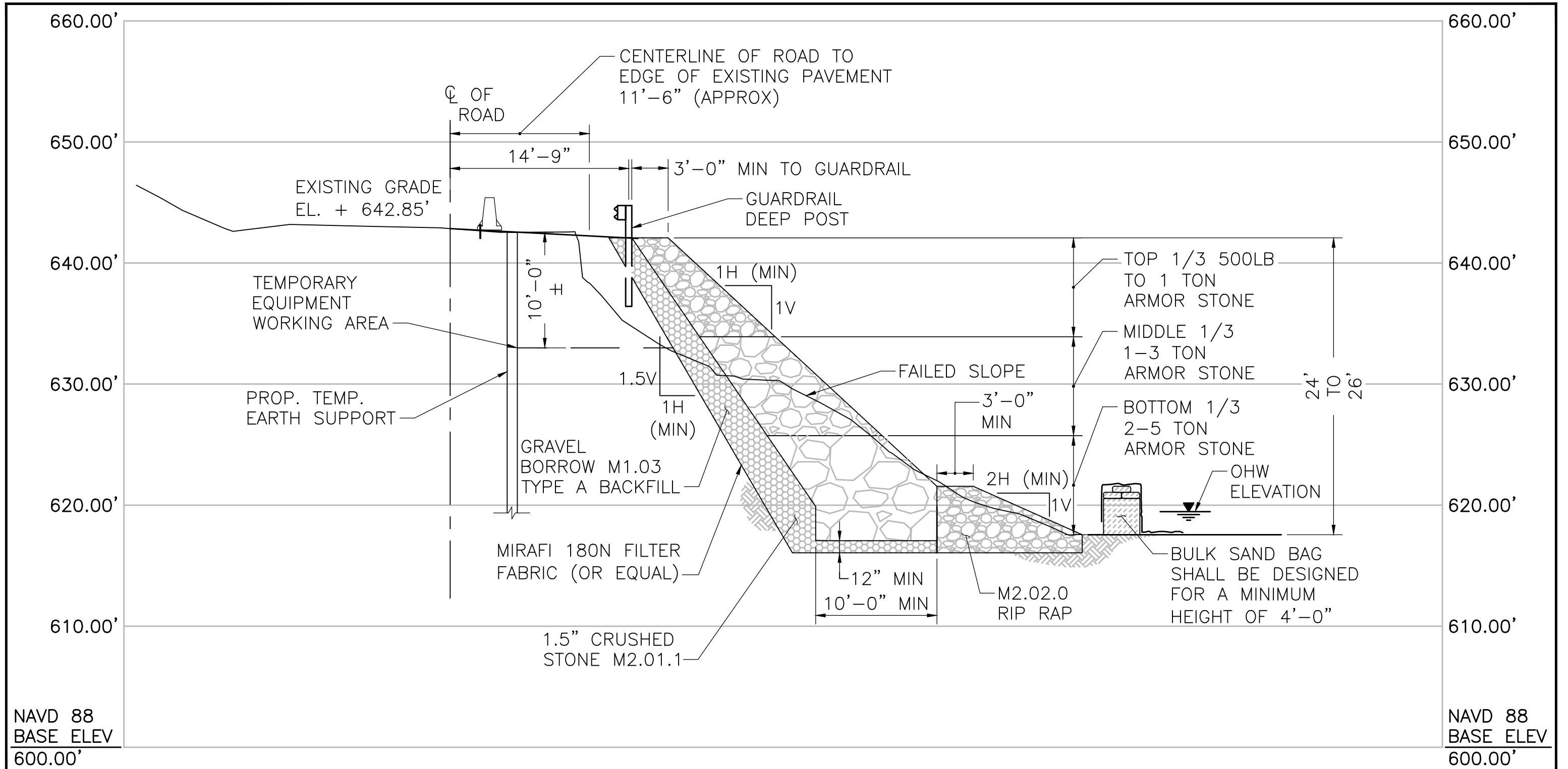
SLOPE STABILIZATION
 JACKSONVILLE ROAD
 COLRAIN, MA
 FRANKLIN COUNTY



803 Summer Street
 Boston, Massachusetts
 02127

617 896 4300

Job No.:	28498.00	Date:	11/13/2023
Scale:	1"=1200'	Revised:	
Dwg. No.:	Locus	Figure:	2 OF 8



PREPARED FOR:

TOWN OF COLRAIN
55 MAIN ROAD
COLRAIN, MA 01340

PROPOSED WALL ELEVATION

Source:

SLOPE STABILIZATION
JACKSONVILLE ROAD
COLRAIN, MA
FRANKLIN COUNTY

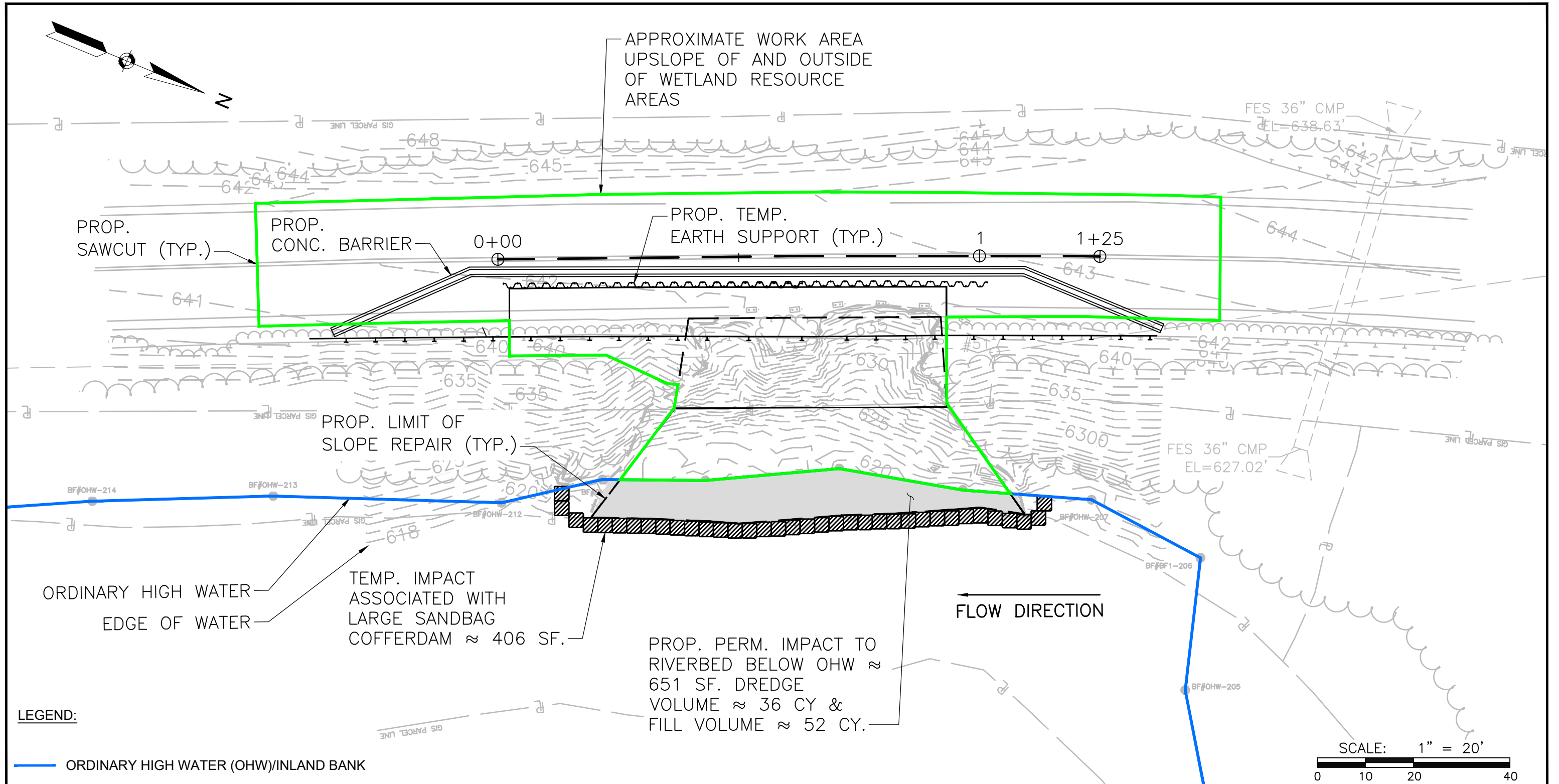
Job No.: 28498.00 Date: 11/30/2023

Scale: N/A Revised: _____

Description: X. SEC. Figure: 7 OF 8

BSC GROUP

803 Summer Street
Boston, Massachusetts
02127
617 896 4300



PREPARED FOR:
 TOWN OF COLRAIN
 55 MAIN ROAD
 COLRAIN, MA 01340

SECTION 404 WETLAND RESOURCE IMPACTS
 Source:
 SLOPE STABILIZATION
 JACKSONVILLE ROAD
 COLRAIN, MA
 FRANKLIN COUNTY

Job No.: 28498.00 Date: 11/30/2023
 Scale: N/A Revised: _____
 Description: IMPACTS Figure: 8 OF 8

BSC GROUP
 803 Summer Street
 Boston, Massachusetts
 02127
 617 896 4300

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 JAN 23 2024

Tribal Historic Preservation Officer
 Mashpee Wampanoag Tribe
 483 Great Neck Road South
 Mashpee, MA 0264

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

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Bettina Washington
 Tribal Historic Preservation Officer
 Wampanoag Tribe of Gay Head (Aquinnah)
 20 Black Brook Road
 Aquinnah, MA

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 GREENDALE STATION
 WORCESTER, MA 01602
 JAN 23 2024

Sent To
 Tribal Historic Preservation Officer
 Narragansett Indian Longhouse
 4425 South County Trail
 Williamstown, MA 01267

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Massachusetts Board of Underwater
 Archaeological Resources
 Attn: David Robinson
 251 Causeway Street, Suite 800
 Boston, MA 02114

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Massachusetts Historical Commission
 Attn: Brona Simon
 The Massachusetts Archives Bldg
 220 Morrissey Boulevard
 Boston, MA 02125

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Tribal Historic Preservation Officer
 Stockbridge-Munsee Mohican
 86 Spring Street
 Williamstown, MA 01267

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

From: Sneeringer, Paul J CIV USARMY CENAE (USA) <Paul.J.Sneeringer@usace.army.mil>
Sent: Monday, June 10, 2024 1:38 PM
To: Paul Martin <PMartin@bscgroup.com>
Cc: Town of Colrain Coordinator <BOS@colrain-ma.gov>; 'michael.mchugh@mass.gov' <michael.mchugh@mass.gov>; Baptiste-Johnson, Daizha (DEP) <Daizha.Baptiste-Johnson@mass.gov>; Mary.Grover@mass.gov
Subject: RE: Jacksonville Road embankment failure repair in Colrain, Massachusetts (NAE-2024-0674) - Corps Review
Importance: High

Paul:

This e-mail concerns the Jacksonville Road (Route 112) Embankment Failure Repair Project in Colrain, Massachusetts. It is a follow-up to our discussion from last week.

After reviewing the self-verification package that your office originally submitted to the Corps for this project on February 13, 2024, it was unclear if this project met General Condition #24 (Bank Stabilization) of the 2023 General Permits for the Commonwealth of Massachusetts (GP MA) review process, which requires that applicants consider bioengineering options when developing bank stabilization projects. Therefore, we considered whether this project required a formal application review (aka a pre-construction (PCN) review) by the Corps.

On May 9, 2024, you provided the attached supplemental information package, which describes how bio-engineering options were considered during the development of this bank stabilization project. This supplemental information package also includes an alternatives analysis prepared by Dr. John Field. The Corps reviewed this additional documentation and last week determined that the Jacksonville Road Embankment Failure Project meets General Condition #24 and based upon the "documented impacts" is eligible as a self-verification activity under General Permit #9 (Bank and Shoreline Stabilization) of the 2023 GP MA.

While coordinating this project with you, I have expressed concerns with the reflective nature of the proposed riprap revetment design. In addition, it does not appear that the typical cross-section from the plan drawings appropriately depicts current site conditions (embankment slope and river bathymetry, etc.), which may lead to necessary changes to the project design, including a greater encroachment into the East Branch of the North River. General Permit #9 includes specific thresholds for self-verification activities (i.e., <1 cubic yard of fill per linear foot average along the bank waterward of the ordinary high water (OHW) elevation, no filling in non-tidal wetlands or vegetated shallows (aka submerged aquatic vegetation beds, etc.)). If future changes to the project design end up exceeding these self-verification thresholds, then this project will require a PCN review from the Corps.

The scope and design of this embankment repair project is of interest to both the Corps and Massachusetts DEP Western Regional Office (WERO). I am definitely interested in scheduling a compliance inspection during the construction phase of this project in order to discuss lessons learned. Once the Town selects a contractor for this project, please forward me a copy of the overall work schedule, so that compliance inspections can be scheduled at appropriate times.

Feel free to contact me if you have any questions about this e-mail. Thanks and stay safe!

Paul Sneeringer
Senior Regulatory Project Manager
Massachusetts Section
U.S. Army Corps of Engineers, New England District
(978) 956-3991 (work mobile)
(978) 318-8491 (work office)