

Environmental Assessment - Appendices Merrimack River Bank Stabilization Chelmsford, Middlesex, MA

4028-DR-MA

January 2018



U.S. Department of Homeland Security Federal Emergency Management Agency Region I 99 High St, 6th Floor, Boston, MA 02110

Table of Contents

Appendices A: Documents	1
Document A – Current Site Conditions Plans	2
Document B – Edge Type Plans	7
Document C – Floodplain and Wetland 8-Step	42
Document D – USFW IpaC Report	46
Appendices B: Figures	55
Figure A – Site Location Map	56
Figure B – Staging Area Map	57
Figure C – Soil Map	58
Figure D – Topographic Map	59
Figure E – Wetland Map	60
Figure F – Flood Map	61
Figure G – BioMap 2 Habitat Map	62
Figure H – Massachusetts Environmental Justice Communities Locations	63
Figure I – Chelmsford Zoning Map	64
Appendices C: Tables	65
Table A – Species of Conservation Concern	66
Table B – Census 2010 Minority Population	67
Table C – Economic Characteristics	68
Table D – RCRA Sites	66
Appendices D: Correspondences	65
Correspondence A – BRP WW 07 and 10 Water Quality Certification Application Cover Lett	er66
Correspondence B – NAE-2016-1969 Merrimack River Bank Stabilization Application Cover	Letter67
Correspondence C – USFW Northern Long-eared Bat Rule 4(d) Notification Form	68
Correspondence D – NOAA NMFS Consultation and Concurrence.	69

Appendices A: Documents

Document A – Current Site Conditions Plans









Document B – Edge Type Plans



B -9	GELBORING LOCATION
D- 3	GEI BORING LOCATION



































































NOTES:

1. STORMWATER INTERRUPTION TRENCH SHALL BE INSTALLED ALONG THE TOP OF THE SLOPE TO PREVENT OVERLAND FLOW. LOCATION WILL BE DETERMINED AT THE SITE TO MINIMZE IMPACT ON EXISTING TREE ROOTS.

STORMWATER FLOW TRENCH

SCALE: 1" = 1'





Document C – Floodplain and Wetland 8-Step

EXECUTIVE ORDER 11988 Floodplain Management and 11990 Wetlands Protection

TITLE: Merrimack River Bank Stabilization

DESCRIPTION OF PROJECT: The proposed SOW includes bioengineering bank stabilization that would stabilize the bank using a mixture of structural components such as a stone toe and natural components such as timber, coir rolls, and living vegetation. There are three stabilization techniques proposed for each edge type which include:

- Bank Support for Edge Type A: Work involves installation of timber toe protection and vegetation management, including up-limbing of trees, on the slope. The approximate width of this treatment is 10 feet. Bank Support is proposed for approximately 250linear feet.
- Bank Repair for Edge Type B: Work involves installation of stone sill along the toe of slope to one foot above ordinary high water, and placing soil behind the sill which would establish a shallow slope. One or more coir log would be placed on top of the stone sill to hold the soil in place to establish a +3:1 slope. Stabilization will be done using seed sowing, erosion control blankets, and native shrubs. Typical offset from the toe of slope to the centerline of the stone sill is approximately 7.5 feet and the offset to the outboard limit of the stone sill is approximately 14 feet. Bank Repair is proposed for approximately 450 lf
- Bank Reconstruction for Edge Type C: Work involves installation of a stone sill along the toe of slope to approximately 0.5 feet above ordinary high water mark and restoring the entire slope cross-section with the installation of several rows of coir fiber rolls and fabric wrapped soils cells in a step-wise manner to establish a 2:1 slope. Revegetation of the soils cells with native trees and shrubs would provide soil stabilization. The offset form the toe of the slope to centerline of stone sill is approximately 7.5 feet and rangers from 1 to 12 feet. The out board offset of the stone sill is approximately 14 feet and ranges from 75. To 18.5 feet. Bank Reconstruction is propose for approximately 3,250 linear feet.

In all edge type zones, trees on the slope and along the top of the slope that are deemed in imminent danger of toppling would be removed. Work will be done landward and therefore, will not have water egress points and anchoring locations. Work would occur in approximately 3,950 linear feet of inland bank and approximately 145,250 square feet of riverfront area and bordering land. 59,250 square feet of the 145,205 square feet will occur in waters of the US with an approximately 13 foot wide by 2 foot deep by 3,700 foot long excavation. Reusing of excavated soils would occur and therefore, no off site fill will be brought in. Project is located between the Merrimack River and Wellman Ave in Chelmsford, MA (42.647644, -71.392505 to 42.645174, -71.379039).

STEP 1 Determine whether the proposed action is located in the 100-year floodplain (500-year floodplain for critical actions)

YES the project is located in the 100 Year floodplain as mapped by FIRM Panel No.

25017C01193E date: 06/04/2010. This project is located within the AE Zone (100-year) and Floodway AE zone.

Wetland. The proposed action is located in a wetland mapped by USFW Dated 04/18/2017.

STEP 2 Notify the public at the earliest possible time of the intent to carry out an action in a floodplain and involve the affected and interested public in the decision-making process.

The public notice was provided by FEMA of Public Assistance projects by cumulative public notice after the major disaster declaration.

STEP 3 Identify and evaluate practicable alternatives to locating the proposed action in a floodplain (including alternatives sites, actions and the "no action" option). If a practicable alternative exists outside the floodplain FEMA must locate the action at the alternative site.

Alternative Options

- 1. No Action Alternative –If no action is taken, the bank of the Merrimack River would continue to erode potentially exposing the adjacent sewer line to the river. This could cause the line to fail and contaminate the river with untreated sewage.
- 2. **Proposed Alternative** The proposed alternative of bioengineering bank stabilization would mitigate against erosion and sewer line exposure. This would mitigate against potential sewage contamination in the river.
- **3.** Alternative within the floodplain The proposed alternative of rock rip rap installation would mitigate against erosion and sewer line exposure. This would mitigate against potential sewage contamination in the river.
- **4.** Alternative outside the floodplain It would be costly and unfeasible to relocate the sewer line outside the floodplain. The line would not function for the community that requires it due to the distance from the floodplain.

STEP 4 Identify the potential direct and indirect impacts associated with the occupancy or modification of floodplains and the potential direct and indirect support of floodplain development that could result from the proposed action. 44CFR Part 9.10

Alternative Options

- 1. No Action Alternative If no action is taken, the bank would continue to erode potentially exposing the adjacent sewer line to the river. This could cause the line to fail and contaminate the river with untreated sewage.
- **2. Proposed Alternative** Would reduce the rate of erosion at the bank protecting the sewer line from exposure.
- **3.** Alternative within the flood plain Would reduce the rate of erosion at the bank protecting the sewer line from exposure.
- 4. Alternative outside the floodplain N/A

STEP 5 Minimize the potential adverse impacts and support to or within floodplains to be identified under Step 4, restore and preserve the natural and beneficial values served by floodplains.

Alternative Options

- 1. No Action Alternative If no action is taken the bank could erode up to the sewer line exposing to the river water and cause potential contamination.
- 2. **Proposed Alternative** –By using bioengineering techniques the bank work would reduce erosion rates while keeping the floodplain in a natural state
- **3.** Alternative within the floodplain By using rock rip rap the bank work would reduce erosion rates but would not keep the floodplain in a natural state.
- 4. Alternative outside the floodplain N/A
- STEP 6 Reevaluate the proposed action to determine first, if it is still practicable in light of its exposure to flood hazards or impacts on wetlands, the extent to which it will aggravate the hazards to others, and its potential to disrupt floodplain and wetland resources and second, if alternatives preliminarily rejected at Step 3 are practicable in light of the information gained in Steps 4 and 5. FEMA shall not act in a floodplain unless it is the only practicable location.

Alternative Options

- **1.** No Action Alternative This choice would continue to leave the area vulnerable to sewer line exposure and failure.
- **2. Proposed Alternative** This is the best alternative to mitigate against erosion and sewer line exposure while keeping the floodplain in a natural state.
- **3.** Alternative within the floodplain Though this alternative would mitigate against erosion and sewer line exposure the floodplain would be altered from a natural to a built up state.
- 4. Alternative outside the floodplain N/A
- **STEP 7** Prepare and provide the public with a finding and public explanation of any final decision that the floodplain is the only practicable alternative.

A public notice will be provided by FEMA by cumulative public notice after the close of the major disaster declaration.

STEP 8 Review the implementation and post - implementation phases of the proposed action to ensure that the requirements stated in Section 9.11 are fully implemented.

It has been determined by FEMA that the Proposed Alternative is the most practicable Alternative available.

CONDITIONS TO BE PLACED ON ACTION: Applicant must coordinate with the local

floodplain administrator and must obtain any required approval prior to initiating work. All coordination pertaining to these activities and applicant compliance with any conditions should be documented and copies forwarded to the state and FEMA for inclusion in the permanent project files.

- 1. Applicant is working in a floodway and must apply for a no-rise certification and follow all requirements per 44 CFR 60.3(d).
- 2. If deviations from the proposed scope of work (including conditions) result in design changes, the need for additional ground disturbance, additional removal of vegetation, or result in any other unanticipated changes to the physical environment, the Grantee must contact FEMA, and a re-evaluation under NEPA and other applicable environmental laws will be conducted by FEMA.

Document D – USFW IpaC Report

IPaC Information for Planning and Consultation U.S. Fish & Wildlife Service

IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as trust resources) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

Location

Middlesex County, Massachusetts



Local office

New England Ecological Services Field Office

\$ (603) 223-2541

(603) 223-0104

70 Commercial Street, Suite 300 Concord, NH 03301-5094

http://www.fws.gov/newengland

Endangered species

This resource list is for informational purposes only and does not constitute an analysis of project level impacts.

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population, even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

- 1. Draw the project location and click CONTINUE.
- 2. Click DEFINE PROJECT.
- 3. Log in (if directed to do so).
- 4. Provide a name and description for your project.
- 5. Click REQUEST SPECIES LIST.

Listed species¹ are managed by the <u>Endangered Species Program</u> of the U.S. Fish and Wildlife Service.

1. Species listed under the Endangered Species Act are threatened or endangered; IPaC

also shows species that are candidates, or proposed, for listing. See the <u>listing status</u> page for more information.

The following species are potentially affected by activities in this location:

Mammals	
NAME	STATUS
Northern Long-eared Bat Myotis septentrionalis No critical habitat has been designated for this species.	Threatened
https://ecos.fws.gov/ecp/species/9045	

Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

THERE ARE NO CRITICAL HABITATS AT THIS LOCATION.

Migratory birds

Certain birds are protected under the Migratory Bird Treaty Act^{1} and the Bald and Golden Eagle Protection Act^{2} .

Any activity that results in the <u>take (to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct)</u> of migratory birds or eagles is prohibited unless authorized by the U.S. Fish and Wildlife Service³. There are no provisions for allowing the take of migratory birds that are unintentionally killed or injured.

Any person or organization who plans or conducts activities that may result in the take of migratory birds is responsible for complying with the appropriate regulations and implementing appropriate conservation measures.

- 1. The Migratory Birds Treaty Act of 1918.
- 2. The <u>Bald and Golden Eagle Protection Act</u> of 1940.
- 3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

Additional information can be found using the following links:

• Birds of Conservation Concern <u>http://www.fws.gov/birds/management/managed-</u>

species/

birds-of-conservation-concern.php

- Conservation measures for birds <u>http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php</u>
- Year-round bird occurrence data <u>http://www.birdscanada.org/birdmon/default</u> /datasummaries.jsp

The migratory birds species listed below are species of particular conservation concern (e.g. <u>Birds of Conservation Concern</u>) that may be potentially affected by activities in this location. It is not a list of every bird species you may find in this location, nor a guarantee that all of the bird species on this list will be found on or near this location. Although it is important to try to avoid and minimize impacts to all birds, special attention should be made to avoid and minimize impacts to birds of priority concern. To view available data on other bird species that may occur in your project area, please visit the <u>AKN Histogram</u> <u>Tools</u> and <u>Other Bird Data Resources</u>. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

NAME	SEASON(S)
American Bittern Botaurus lentiginosus https://ecos.fws.gov/ecp/species/6582	Breeding
American Oystercatcher Haematopus palliatus https://ecos.fws.gov/ecp/species/8935	Breeding
Bald Eagle Haliaeetus leucocephalus https://ecos.fws.gov/ecp/species/1626	Year-round
Black-billed Cuckoo Coccyzus erythropthalmus https://ecos.fws.gov/ecp/species/9399	Breeding
Blue-winged Warbler Vermivora pinus	Breeding
Canada Warbler Wilsonia canadensis	Breeding
Least Bittern Ixobrychus exilis https://ecos.fws.gov/ecp/species/6175	Breeding
Olive-sided Flycatcher Contopus cooperi https://ecos.fws.gov/ecp/species/3914	Breeding

Peregrine Falcon Falco peregrinus https://ecos.fws.gov/ecp/species/8831	Breeding
Pied-billed Grebe Podilymbus podiceps	Breeding
Prairie Warbler Dendroica discolor	Breeding
Purple Sandpiper Calidris maritima	Wintering
Short-eared Owl Asio flammeus https://ecos.fws.gov/ecp/species/9295	Wintering
Willow Flycatcher Empidonax traillii https://ecos.fws.gov/ecp/species/3482	Breeding
Wood Thrush Hylocichla mustelina	Breeding

What does IPaC use to generate the list of migratory bird species potentially occurring in my specified location?

Landbirds:

Migratory birds that are displayed on the IPaC species list are based on ranges in the latest edition of the National Geographic Guide, Birds of North America (6th Edition, 2011 by Jon L. Dunn, and Jonathan Alderfer). Although these ranges are coarse in nature, a number of U.S. Fish and Wildlife Service migratory bird biologists agree that these maps are some of the best range maps to date. These ranges were clipped to a specific Bird Conservation Region (BCR) or USFWS Region/Regions, if it was indicated in the 2008 list of Birds of Conservation Concern (BCC) that a species was a BCC species only in a particular Region/Regions. Additional modifications have been made to some ranges based on more local or refined range information and/or information provided by U.S. Fish and Wildlife Service biologists with species expertise. All migratory birds that show in areas on land in IPaC are those that appear in the 2008 Birds of Conservation Concern report.

Atlantic Seabirds:

Ranges in IPaC for birds off the Atlantic coast are derived from species distribution models developed by the National Oceanic and Atmospheric Association (NOAA) National Centers for Coastal Ocean Science (NCCOS) using the best available seabird survey data for the offshore Atlantic Coastal region to date. NOAANCCOS assisted USFWS in developing seasonal species ranges from their models for specific use in IPaC. Some of these birds are not BCC species but were of interest for inclusion because they may occur in high abundance off the coast at different times throughout the year, which potentially makes them more susceptible to certain types of development and activities taking place in that area. For more refined details about the abundance and richness of bird species within your project area off the Atlantic Coast, see the <u>Northeast Ocean Data Portal</u>. The Portal also offers data and information about other types of taxa that may be helpful in your project review. About the NOAANCCOS models: the models were developed as part of the NOAANCCOS project: Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf. The models resulting from this project are being used in a number of decision-support/mapping products in order to help guide decision-making on activities off the Atlantic Coast with the goal of reducing impacts to migratory birds. One such product is the Northeast Ocean Data Portal, which can be used to explore details about the relative occurrence and abundance of bird species in a particular area off the Atlantic Coast.

All migratory bird range maps within IPaC are continuously being updated as new and better information becomes available.

Can I get additional information about the levels of occurrence in my project area of specific birds or groups of birds listed in IPaC?

Landbirds:

The <u>Avian Knowledge Network (AKN)</u> provides a tool currently called the "Histogram Tool", which draws from the data within the AKN (latest, survey, point count, citizen science datasets) to create a view of relative abundance of species within a particular location over the course of the year. The results of the tool depict the frequency of detection of a species in survey events, averaged between multiple datasets within AKN in a particular week of the year. You may access the histogram tools through the <u>Migratory Bird Programs AKN Histogram Tools</u> webpage.

The tool is currently available for 4 regions (California, Northeast U.S., Southeast U.S. and Midwest), which encompasses the following 32 states: Alabama, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North, Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin.

In the near future, there are plans to expand this tool nationwide within the AKN, and allow the graphs produced to appear with the list of trust resources generated by IPaC, providing you with an additional level of detail about the level of occurrence of the species of particular concern potentially occurring in your project area throughout the course of the year.

Atlantic Seabirds:

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the <u>Northeast Ocean</u> <u>Data Portal</u>. The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the NOAANCCOS <u>Integrative Statistical Modeling and Predictive</u> <u>Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf project</u> webpage.

Facilities

Wildlife refuges

Any activity proposed on <u>National Wildlife Refuge</u> lands must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGES AT THIS LOCATION.

Fish hatcheries

THERE ARE NO FISH HATCHERIES AT THIS LOCATION.

Wetlands in the National Wetlands

Inventory

Impacts to <u>NWI wetlands</u> and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local <u>U.S. Army Corps</u> <u>of Engineers District</u>.

This location overlaps the following wetlands:

RIVERINE R2UBH

A full description for each wetland code can be found at the National Wetlands Inventory website: <u>https://ecos.fws.gov/ipac/wetlands/decoder</u>

Data limitations

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the

image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

Data exclusions

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tuberficid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

Data precautions

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.