

Staff Report

Devens
Enterprise
Commission

Date: February 2, 2021

To: **Devens Enterprise Commission**

From: Neil Angus, Environmental Planner

RE: **Continued Public Hearing - USFWS Canoe Launch ADA Boardwalk Modification**

Project: US Fish and Wildlife Service - amendment to 2011 Wetland Order of Conditions to construct an accessible walkway/boardwalk that will help provide universal access to views of the Nashua River and the existing canoe launch.

Tree removal: Since the last meeting, the Applicant and Staff have visited the site and marked the large red pine trees that will need to be removed to avoid damage to the new boardwalk. It is important that they do not clear cut this area as it will result in increased exposure which could damage more of the existing mature trees in the vicinity. These trees provide important structure and stability for this riparian area along the Nashua River. A condition has been added to the draft Record of Decision to ensure only those identified trees are removed and that the root systems be left in place to avoid ground disturbance. Trunks should be cut and left standing at heights of 10-20 feet in order to provide future wildlife habitat (snags).

Invasive Species: The Applicant has included an invasive species management plan that will involve the selective pulling of species such as winged euonymus (burning bush) which may create soil disturbance. Invasive species management will be an ongoing issue, therefore control should be permitted as a non-expiring condition as long as activities are performed using the Applicant's proposed methods and any best management practices approved by the MA Invasive Plant Advisory Group and MA DEP. This has been included as a new proposed special condition of the draft amended Wetland Order of Conditions. Invasive plants that are removed will also need to be properly disposed of off-site.

Direct Wetland Impacts: As previously mentioned, the work will result in an alteration of approximately 18 square feet of Bordering Vegetated Wetlands (BVW) for the installation of additional boardwalk support posts. The platform will be constructed with modular aluminum sections that will require only basic hand tools for installation. The boardwalk is to be installed on raised piers allowing the unobstructed flowage of water, and the ramp will be constructed of open-cell material to allow adequate light penetration to the ground beneath the decking surface to maintain vegetation growth and prevent any obstruction to flood flows. To avoid unnecessary soil compaction, no heavy machinery should be allowed in the wetland areas.

The Massachusetts Wetlands Protection Act permits the installation of boardwalks and similar structures as a Limited Project under 310 CMR 10.53(j) provided such structures are constructed on pilings or posts so as to permit the reasonably unobstructed flowage of water and adequate light to maintain vegetation growth. If the DEC is in agreement that this is a limited project and will result in no net loss of flood storage, the DEC should make a finding to this effect and not require any compensatory flood storage (to address Special Condition #6).

Nashua River Impacts. Portions of the proposed boardwalk are within the floodplain of the Nashua River. Under the Clean Water Act, proposed projects that may impact any navigable waters of the United States are subject to the jurisdiction of the US Army Corps of Engineers and the US Environmental Protection Agency. Due to the minor nature of this project, a permit is likely not required but will be made a condition of approval, if applicable.

Proposed Waiver Requests: None

Process: The 30-day Town comment period expired on January 28, 2021. No comments were received.

Recommended Action: Once all questions and comments have been made by the Applicant, Commission and public, the DEC should close the public hearing. The commission should first act on the Amended Wetland Order of Conditions, then the draft Record of Decision.