



July 8, 2020

Sudbury Conservation Commission
275 Old Lancaster Road
Sudbury, MA 01776

Re: Joint NOI filed by Eversource for Sudbury-Hudson Transmission Reliability Project and
MassDCR for Mass Central Rail Trail in Sudbury

Dear Sudbury Conservation Commission:

SVT has partially reviewed the proponents most recent submittals that were posted to the Sudbury Conservation web site on June 26th.

SVT's comments apply primarily to the extent of the proposed utility corridor/rail trail that is located between the Marlborough-Hudson town line and Dutton Rd in Sudbury. However, as a regional land trust we are concerned about the impacts to vernal pools, other wetlands, and habitat along the entire length of the project.

In keeping with the conservation land context in which the proposed rail trail will travel, SVT requests the use of a gravel trail rather than paved. The DCR has not demonstrated in any of its documentation the need for a paved trail through the conservation area. Other rail trails with gravel surfaces are actively used by a variety of users including narrow-tire road bikes. The stone dust base will improve permeability and aesthetics. A paved surface would result in a total of 9.5 acres of impervious surface in these conservation lands. (5.5 acres in Sudbury; 4.0 acres in Hudson). **This is the equivalent of 10 football fields of asphalt surface.**

Habitat & Vegetation

The proposed project will permanently destroy over 2.5 acres of priority habitat (this area estimate represents 19 ft wide maintained trail/utility corridor from Marlborough-town line to Dutton Rd). The proposal asserts (on page 7) that the rail line between trail junction "E" & Dutton Rd has "wider and well-defined pathways that have limited or no vegetation." In actuality, the pathways are typically only 4 ft wide and the MBTA ROW corridor is well vegetated, having developed good habitat over the many years that it has been unused as an active railroad. In addition to the direct loss of habitat, the proposed utility line/rail trail corridor will create over one mile of static edge habitat that is beneficial to predator travel, invasive plant establishment and nest predation. Additionally, as intended, the rail trail will

attract a greater number of visitors and dogs, increasing the level of disturbance and potential negative impacts to wildlife and habitat. Even with precautionary measures, the construction will inevitably bring invasive species. **How will this habitat loss and the resultant degradation of abutting habitat be remediated?**

The plan continues to call for the use of loam for topsoil replacement even though it has been discussed previously with Eversource and DCR that standard loam is an inappropriate replacement for the naturally occurring sandy soils at this site. We understand that the proponents are investigating more appropriate fill alternatives and should also seek to save existing non-contaminated soils from the site. The proponents must provide specific information on the source of any fill used, the sources of any fill certifications and its appropriateness for the geology and habitat at this site. We also want to assure that no other habitats are being destroyed to obtain the fill.

A “Typical Section” in the revised plans indicates “Proposed Ordinary Borrow” to be added to the cleared areas. What is this exactly and where is it coming from? Any soils added or brought into the site should be similar to the sandy soils that are already present at the site rather than “loam” in the section of the utility/rail trail corridor that is located between the Marlborough-Hudson town line and Dutton Rd. What is “Fluidized Thermal Backfill” that will be added above the buried utility line? What are the contents of such substance? What are its typical uses and has it been previously used in a conservation setting?

SVT commends the use of native plants and only straight species as indicated in the planting plan. The seed mix that is listed includes an appropriate mix of annual and perennial grasses for the site. In the plan where it references hydroseeding, will this only incorporate the seed mixes referenced in the planting schedule? We recommend increasing the number of plants and adding scrub oak and pitch pine to the schedule.

We continue to have concerns about DCR’s ability to complete its portion of the project (Phase 2) especially in light of the difficulty of funding caused by Covid and inability to provide a proposed work schedule. In the long term we have concerns for DCR’s ability to adequately manage the rail trail corridor. It is well-known that DCR is underfunded and understaffed. How will they follow through on their responsibilities for this additional management burden? Will they be adding staff and funding?

Rare Species

Whip-poor-wills are a state-listed species that nest on the ground and prefer pine barrens habitat such as is found on the site. WPWs have been observed on and near the MBTA ROW. The local population of whip-poor-wills has declined dramatically. The destruction of additional habitat, increased recreational use and better access for predators increases the threats to this already stressed local population.

Two rare turtles have been documented at the site – wood turtles and Eastern box turtles. Five box turtles (1 female and 4 males) and one female wood turtle are being tracked by VHB biologists. Their home ranges are variable and can be quite large (26 – 377 acres). They have been tracked going back and forth repeatedly over the old rail line; clearly the rail line does not obstruct their movements as the proponents continue to assert in their documentation.

In contrast to the existing shaded and vegetated ROW, turtles moving across the proposed open and paved expanse of transmission line and rail trail will be very exposed to predation and harassment or collection by recreationists. Under the current conditions, trees and vegetation provide good cover along the rail line except for relatively narrow areas of dirt trail.

Vernal pool breeding amphibians, including the state-listed blue-spotted salamanders, will be additionally at risk by the construction and resultant loss of habitat. The construction activities will impact the bordering vernal pools and wetlands. We do not believe that Type B erosion control at the top of these very steep slopes will protect the abutting wetlands.

The applicants' offer to extend the Vernal Pool TOY to June 1st is appreciated. However, the turtle nesting periods should be extended also as numerous species continue to nest into late June all dependent on weather variations.

Time of Year restrictions are only recommendations and not requirements according to the Turtle Protection Plan – it says that they only have to be used to the extent possible and otherwise they can conduct sweeps. The Turtle Protection Plan specifies that DCR should conduct turtle sweeps prior to mowing. Mowing should occur outside of active amphibian and reptile migration periods. The Time of Year restrictions should be RESTRICTIONS, not recommendations.

With regards to the only population of wild lupine (*Lupine perrenis*) found in this area, the proposed chain link fence illustrated on the utility line construction plan appears to go through one side of the lupine population rather than fully around the lupine. The DCR plan does not illustrate any protective fencing or other measures to prevent trampling of the plants by people and dogs. This population will be more vulnerable both during and after utility/rail trail installation. What will Eversource and DCR do to enhance the local population of wild lupine at this site? What can they do to improve habitat for declining insects? The state-listed frosted elfin butterfly uses only wild lupine and wild yellow indigo (*Baptisia tinctoria*) to lay its eggs. The three rare moth species that were documented on SVT property near the MBTA ROW require pitch pine, scrub oak and low bush blueberries for survival. The current planting plan includes low bush blueberries but no scrub oak or pitch pine. This pitch pine scrub oak habitat is a regionally and globally rare natural community and we recommend that pitch pine and scrub oak be added to the planting schedule.

Stormwater Related

VHB evaluated maps for 100 yr flood events. However, given changes in climate and more extreme flood events, this project must account for 500 yr flood events. We have first hand evidence in our communities of the extreme flooding and storm damage occurring regularly.

Contaminants

Pg 2 of BETA Response claims that the railroad contaminants are essentially inert – “Considering the low solubility of these constituents and the long period of time they have been present in the project work zone, the excavation and movement of these soils during the Project work will not increase their mobility or present an increase in risk to adjacent surficial soil or groundwater.” Really?

When the Rubber Hits the Road

I have observed even the most responsible contractors do the wrong thing because their bottom line is to get the job done and get paid. So no matter how good all of these best management practices are on paper, we are putting miles and acres of important habitat and wetland and water resources at great risk with such an intrusive industrial project.

Eversource’s bottom line is to generate income. The DCR’s bottom line should be about conservation first, recreation second. The DCR Commissioner’s support of this projects was clearly misguided.

Sincerely,

A handwritten signature in cursive script that reads "Laura Mattei".

Laura Mattei
Director of Stewardship