

THE COALITION FOR BUZZARDS BAY

114 Front Street
New Bedford, MA 02740

tel: (508)999-6363
fax: (508)984-7913

www.savebuzzardsbay.org

21 Luscombe Avenue,
Woods Hole, MA 02543

tel: (508)540-6222
fax: (508)540-5222

June 20, 2011

Laurell Farinon, Conservation Agent
Rochester Conservation Commission
Rochester Town Hall Annex
37 Marion Road
Rochester, MA 02770

Re: Property Off Marion Road designated as Lot 22 on Rochester Assessors' Map 8

Dear Ms. Farinon:

I am in receipt of your recent letter dated 8 June 2011, inquiring about the Buzzards Bay Coalition's (the Coalition) plans for the parcel of land that it now owns on the Sippican River in Rochester. In addition, I understand that the Conservation Commission will be reviewing the "Request for Determination of Applicability" that was filed by Mr. Hartley, at the Conservation Commission meeting scheduled for June 21, 2011.

Background

The Coalition became aware of the Hathaway Pond Dam matter more than three years ago when the Department of Conservation and Recreation (DCR) issued a Certificate of Non-Compliance and Dam Safety Order on February 22, 2008. The property owner at that time, Mrs. Susan Hampson, approached several abutters and other parties, after it became clear that the dam was in disrepair, offering to sell the property and the dam for a nominal sum. The Coalition became interested in the parcel because it connects two other significant open space parcels and restoring the natural flow of the river would have significant environmental benefits, including improving fisheries diversity, habitat and water quality benefits.

The Coalition engaged an environmental engineering firm, Inter-Fluve, Inc., to conduct a Feasibility Study on the Hathaway Pond Dam and the Sippican River. The purpose of the Feasibility Study was to evaluate four different options referred to as 1) Do-nothing, 2) Dam Repair, 3) Partial Removal, and 4) Full Removal. Each of these options was evaluated for fisheries and environmental benefits and cost of implementation. During the same period of time, DCR issued an Amended Dam Safety Order (July 7, 2010) and Mrs. Hampson engaged GAF Engineering to further evaluate the dam, as required.

On March 18th DCR's Office of Dam Safety conducted a site visit on the Hathaway Pond Dam, which included you, me, Bill Madden from GAF Engineering, Ed Hughes from DCR's Office of Dam Safety, Doug Beaton, Arthur Benner from Alewives Anonymous, and Brenden Annett from the Coalition. At the site visit, Bill Madden reported on the results of his investigation and the additional deficiencies he had discovered. Based on the

visual inspection at the site visit and Bill Madden's update, Ed Hughes expressed considerable concern about the cavity discovered under the dam's spillway and stated that the water level in the impoundment should be minimized to reduce water pressure on the dam structure as much as possible for safety reasons. Attached is GAF's most recent inspection report, dated March 29, 2011, in which Mr. Madden counsels that because of the "unsafe condition of the spillway structure," reduced pond levels be maintained to the "maximum practical degree."

The current reduced level is also working well for fish passage, as there is presently little elevation difference at the spillway and the Coalition in consultation with the Division of Marine Fisheries, the Rochester Herring Inspector and Alewives Anonymous, has positioned some sandbags and rocks in one flume to create temporary step pools to further improve fish passage conditions.

Current Status

After carefully considering the Inter-Fluve, Inc. Feasibility Study, the deteriorated condition of the dam and the potential for improving recreational opportunities and environmental conditions, the Coalition stepped forward last month to acquire the parcel of land known as Lot 22 on Map 8. The Coalition's goal in acquiring the property was to move forward with the permitting process to remove the dam, build a bridge, and work with Doug Beaton to develop a water supply system that protects his interests.

A number of local, state and federal agencies and conservation organizations have expressed support for the Coalition's river restoration plans. Additionally, other parties have expressed interest and concerns about the current water levels and the river restoration plan. A recent effort has been made to bring interested parties together to discuss the river, which the Coalition is looking forward to participating in.

Moving Forward

The Coalition respectfully suggests that prior to making a decision on the pending "Request for Determination of Applicability" from Mr. Hartley, the Conservation Commission should request written guidance from DCR's Office of Dam Safety regarding their opinion about the safety of the dam.

The Coalition plans to move forward and prepare permit applications to restore the Sippican River, which will require the removal of the existing dam. The Coalition is optimistic that a water withdrawal system, amenable to Mr. Beaton, will be incorporated into the project.

The Coalition looks forward to working with the Conservation Commission and other interested parties through the permitting process to restore the Sippican River.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark Rasmussen', with a stylized, cursive script.

Mark Rasmussen
President

Attachment: Dam Inspection Report (GAF Engineering, Inc.), March 29, 2011

Cc: Conservation Commissioners

Tena Davies, MA DEP

Liz Kouloheras, MA DEP

Ed Hughes, MA DCR

Brad Chase, MA DMF

Steve Hurley, MA DFW

Doug Beaton

Walter Hartley

State Representative William Straus