October 26, 2022

Town of Deerfield Conservation Commission
8 Conway Street
South Deerfield, MA 01373

RE: **Notice of Intent, Peer Review Response**
All States Materials Group Haul Road Improvements
901 River Road, Deerfield, MA 01342

Dear Commission Members:

On behalf of the applicant, All States Materials Group (ASMG), Kleinfelder is submitting the enclosed response to comments for the Notice of Intent (NOI) at 901 River Road, Deerfield, Massachusetts. The applicant submitted an NOI in May 2022 and subsequently received comments from the Deerfield Conservation Commission and a peer review letter from Stockman Associates, LLC. ordered by the Conservation Commission. In response to these comments, the project team has revised portions of the design to reduce impacts to regulated resources.

Comments provided in the peer review letter are shown in italics, with Kleinfelder's response directly below.

Resource Area Boundary Delineation Flagging Review

1) *At the time of the site visit the majority of the delineation flagging was presence and labels were legible. Flags no longer in place (predominantly, but not limited to, Stream 7A) were observed on the ground and could not be confirmed. Intact legible flagging and GPS provided by Kleinfelder was utilized to review the delineated boundaries in the field.*

   The majority of the flagging locations and labels are omitted from the submitted site plans. As such, a full assessment of the flagging relative to the submitted site plan could not be performed. Revised site plans should be submitted depicting all delineation flag locations and labels. The following comments pertain to persisting, legible flagging observed in the field.

   - *Stockman Associates concurs with the MAHWL flagging associated with Stream S1 demarcated by flags S1-11 to S1-22 and flags S1-111 to S1-122.*
   - *Stockman Associates concurs with the Bank flagging associated with intermittent Stream S6 demarcated by flags S6-1 to S6-10 and S6-101 to S6-110.*
   - *Stockman Associates concurs with the Bank flagging associated with Stream S7 demarcated by flags S7-1 to S7-6 and S7-101 to S7-106. NOTE: The boundary of Bank upgradient of flags S7-1 and S7-101 was not delineated and was not reviewed. No work is proposed within this location and Bordering Vegetated Wetland W1 is located closer to the proposed work area.*

- *Bank associated with Stream 7A could not be completely reviewed in the field. Only flag S7A-2 was intact, and the flag locations and labels are not provided on the NOI plan set.*
- *Stockman Associates concurs with the BVW flagging associated with W2 demarcated by W02-1 through W02-9.*
- *While Stockman Associates concurs with the field review of the BVW boundary associated with W1, the NOI site plans do not depict flag locations and labels.*
- *The boundary indicating Bank of Stream S5, includes portions of a narrow associated BVW fringe dominated by Onoclea sensibilis, Amphicarpaea bracteate, and Osmunda claytoniana. The boundary should be revisited to accurately depict the associated BVW, which subsequently qualifies Stream S5 as a protected intermittent stream (upgradient BVW as required under 310 CMR 10.04).*

Plans have been updated to include flag locations and labels for all wetlands and streams. Additional delineation has been performed in the Project area including BVW associated with Stream S5, as shown on the updated plans.

2) *A hydrophytic plant community was observed within existing road swales north and south of the catch basin located proximal to proposed temporary sediment trap #5 and the proposed pad. Discussion during the site visit indicated that this area may be part of a permitted stormwater system and potentially not subject to regulation under 310 CMR 10.00 as a protected resource area. It is recommended that the applicant submit supporting documentation to demonstrate that the hydrophytic plant community is not considered a resource area per 310 CMR 10.02(2)(c), which states, "Notwithstanding the provisions of 310 CMR 10.02(1) and (2)(a) and (b), stormwater management systems designed, constructed, installed, operated, maintained, and/or improved as defined in 310 CMR 10.04 in accordance with the Stormwater Management Standards as provided in the Stormwater Management Policy (1996) or 310 CMR 10.05(6)(k) through (q) do not by themselves constitute Areas Subject to Protection under M.G.L. c. 131, 40 or Buffer Zone provided that: 1) they system was designed, constructed, installed, and/or improved as defined in 310 CMR 10.04 on or after November 18, 1996; and 2) if the system was constructed in an Area Subject to Protection under M.G.L. c. 131, 40 or Buffer Zone, the system was designed, constructed, and installed in accordance with all applicable provisions in 310 CMR 10.00."*
If supporting documentation cannot be provided, the hydrophytic plant community should be further assessed and delineated as a Bordering Vegetated Wetland if the criteria under 310 CMR 10.55(2) is met.

This area is part of the applicant's existing NPDES permitted stormwater system and consists of a stormwater swale installed concurrently with the adjacent road to direct stormwater to an existing catch basin. The applicant holds a NPDES permit (Permit #MAR053304) that regulates stormwater on the property and allows the applicant to modify the system as necessary to direct stormwater into infrastructure.

3) *A hydrophytic plant community (Betula allegheniensis, Symplocarpus foetidus, Tsuga canadensis, Onoclea sensibilis, Athyrium angustum, Impatiens capensis, Carex spp., Ulmus americana, Lindera benzoin) and indicators of wetland hydrology were*

observed to the west of perennial Stream S1. The area is located at the toe of a slope proximal to (and extends into) the location of the proposed temporary sediment trap #3, permanent stormwater pocket wetland, and access road. Based on the observed hydrophytic plant community and indicators of wetland hydrology the area meets the criteria for a protected BVW and should be revisited and delineated accordingly.

Additional delineation has been performed including flagging the referenced wetland, labeled Wetland W3 on the revised Project plans. Additionally, the project has been revised to eliminate impacts to this wetland.

4) *A hydrophytic plant community (Lindera benzoin, Symplocarpus foetidus) and indicators of wetland hydrology were observed to the east of perennial Stream S1. The area is located at the toe of a slope and along perennial stream S1 proximal to and within the area of the proposed temporary sediment trap #2. Based on the observed hydrophytic plant community and indicators of wetland hydrology the area meets the criteria for a protected BVW and should be revisited and delineated accordingly.*

Additional delineation has been performed including flagging this wetland, labeled Wetland W4, on the revised Project plans. No impacts are proposed to this wetland

5) *The 200-FT Riverfront Area boundary depicted on sheet C-101 should be re-visited. The offset boundary lines do not appear accurate.*

The 200-ft Riverfront Area boundary has been confirmed and is accurate on revised plans.

6) *The Riverfront Area boundary is not depicted on sheet C-106*.

The 200-ft Riverfront Area has been included on sheet C-106.

Performance Standards Review

Inland Bank & Land Under Waterways (LUWWLUWWW)

Intermittent Stream S6

1) *The application proposes a loss of Bank and LUWW associated with intermittent Stream S6. Stockman Associates LLC suggests that Exhibit A be revisited and revised to specifically quantify the loss of Bank and LUWW attributed to Stream S6. There is a loss of Bank associated with the haul road widening (STA 13+00, STA 14+00) and a secondary downstream loss (STA12+00 confluence with perennial stream).*

Exhibit A has been revised to quantify the impacts to Bank and LUWWW. The project has been revised to eliminate impacts to Stream S6 associated with haul road widening, and the downstream loss has been minimized to the extent practicable to meet Stream S1 after installation of the new culvert.

2) *The application proposes a "vegetated conveyance swale" to reroute the lower reach of Stream S6. This terminology and design do not comply with the requirements of 310 CMR 10.54(4) and 10.56(4).*
    a. *310 CMR 10.05(6)(k) prohibits the construction of stormwater conveyances within Bank and Land under Waterways. The proposed "vegetated conveyance swale" presents as a stormwater conveyance BMP rather than a replication/replacement stream. The applicant is encouraged to review the MassDEP guidance (attached) regarding data collection and design for restored/replacement Bank and LUWW.*
    b. *Filter fabric is not recommended for use in stream replacement due to detrimental impacts to aquatic life. Similarly, natural substrate (not riprap) is appropriate for stream replacement. An in-kind stream replacement design for Stream S6 should be proposed in compliance with 310 CMR 10.54(4) and 10.56(4)*

The project has been revised to minimize impacts to Stream S06; grading in Stream 06 bank and LUWW is no longer proposed. The lower reach of Stream S06 will be rerouted to the minimum extent practicable to provide surface hydrologic connection to Stream S1 at the southern end of the new culvert. The new portion of Stream S06 will be replicated as closely as possible to the existing conditions using natural substrate.

3) *The applicant should provide details related to how the loss (filling) of Bank and LUWW associated with the haul road widening (STA 13+00, STA 14+00) will be mitigated. Will Bank be restored further to the south? Will this include the widening of the stream channel to the south to maintain the water-carrying capacity? The NOI narrative states that proposed "grading of the north bank and LUWWW of Stream S6" will occur. Details regarding the grading of the Stream S6 should be included in the NOI site plan set.*

The project has been revised to eliminate impacts to Stream S6 in this area so no grading of the north bank or LUWWW will be required.

4) *The depicted LOD and silt fence cross intermittent Stream S6 from approximately STA 14+50 to 13+50. Is this indicating both temporary and permanent impacts to Stream S6 within this reach? Silt fence should not be installed within an intermittent stream channel.*

The project has been revised to eliminate impacts to Stream S6 in this area and no erosion control devices will cross the stream; they will be placed inside the limits of disturbance outside of the north bank of Stream S6.

<u>Perennial Stream S1</u>

5) *The application proposes impacts to Bank and LUWW associated with perennial Stream S1. Stockman Associates LLC suggests that Exhibit A be revisited and revised to specifically quantify the loss of Bank and LUWW attributed to Stream S1.*

Exhibit A has been revised to quantify the impacts to Bank and LUWWW. The Bank and LUWWW loss has been minimized to the extent practicable to meet Stream S1 after installation of the new culvert.

6) *The application proposed a "vegetated conveyance swale" to reroute a portion of perennial Stream S1. This terminology and design do not comply with the requirements of 310 CMR 10.54(4) and 10.56(4).*
    a. *310 CMR 10.05(6)(k) prohibits the construction of stormwater conveyances within Bank and Land under Waterways. The proposed "vegetated conveyance swale" presence as a stormwater conveyance BMP rather than a replication/replacement stream. The applicant is encouraged to review the MassDEP guidance (attached) regarding data collection and design for restored/replacement Bank. As stated in the NOI narrative, Stream S1 is classified under the Cowardin system as Riverine Upper Perennial Unconsolidated Bottom Cobble-Gravel and should be replicated as such.*
    b. *Filter fabric is not recommended for use in stream construction due to detrimental impacts to aquatic life. Similarly, natural substrate (not riprap) is appropriate for stream construction.*
    c. *The applicant should provide additional information regarding the purpose of the proposed perennial stream "vegetated conveyance swale" and impacts to the existing westerly perennial stream reach that will be partially bypassed. If the intent is to provide better stream flow alignment with the proposed new culvert, a stream relocation/restoration is an appropriated proposal under 310 CMR 10.54(4) and 10.56(4).*

The portions of Stream S1 at the ends of the new culvert will be rerouted to the minimum extent practicable to connect to the existing stream channel. The rerouted portions of Stream S1 will be replicated as closely as possible to the existing conditions using natural substrate.

7) *Stockman Associates suggests that the downstream impacts to Bank associated with the replacement culvert be revisited. It appears from the site plan that the downstream length of the culvert may be shortened to reduce the loss of existing, daylighted stream channel.*

Shortening of the proposed culvert is not feasible due to the requirements for the haul road to comply with MSHA requirements for structural loads associated with heavy vehicle traffic. The design of the culvert shown in the revised plans will improve the condition of the stream crossing and reduce potential impacts during high flow conditions.

8) *The energy dissipator proposed at the replacement culvert outlet presents as a stormwater BMP, rather than a stream restoration/replacement design. Filter fabric is not recommended for use in stream construction due to detrimental impacts to aquatic life. Similarly, natural substrate (not riprap) is appropriate for stream construction. Stockman Associates suggests that the design be revisited to consider natural substrate (boulders, large flat stone) appropriately sized to address dissipation and mimic natural stream characteristics.*

The energy dissipator has been removed from the project design and natural substrate will be used to create an outlet that mimics natural stream characteristics.

9) *The application proposes an impact to the Bank and LUWW of perennial Stream S1 associated with the proposed construction of temporary sediment basin #3 and*

proposed "pocket wetland". Based on the observed hydrophytic plant community and indicators of wetland hydrology west of perennial Stream S1 a redesign of the "pocket wetland" and associated impacts is anticipated. Therefore, final comments regarding proposed work within this area are reserved at this time.

Kleinfelder has revised the Project to eliminate the temporary sediment basin and proposed "pocket wetland".

10) *The depicted LOD and silt fence are partially located within perennial Stream S1. Silt fence should not be installed within a perennial stream.*

No erosion control devices will be installed within Stream S1.

11) *The NOI application asserts that the Massachusetts River & Stream Crossing Standards have been met to the maximum extent feasible. Supporting details have not been provided.*
    a. *The bankfull width of Stream S1 and its determination should be submitted.*
    b. *An assessment of the required and proposed openness ratio 1.2x bankfull width span should be submitted.*
    c. *A cross-section of the proposed culvert should be provided with the NOI plan set.*

Prior to selecting a crossing culvert type and size, the proposed crossing was evaluated based on bankfull width and openness requirements. The Massachusetts Stream Crossing Standards use the following parameters:

- Minimum crossing width (culvert span or diameter) = 1.2 times the bankfull width of the reference reach.
- Minimum openness (flow area / culvert) = 0.82.
- Minimum embedment depth = 2 feet.

However, the presumption that those parameters are best practice for an individual water crossing is rebuttable and may be overcome with credible evidence from a competent source. Evaluation of the existing and proposed crossing by Professional Engineers concluded that following the stream crossing standards in this instance would far exceed the flow requirements and would require additional impacts.

Bankfull width of Stream S1 was determined from seventeen (17) cross-sections along the reference reach. Nine (9) sections were upstream of the crossing (segment S1) and eight (8) sections were downstream of the crossing (segment S2). Sections were longitudinally spaced at approximately 15 to 25 feet. Bankfull width ranged from approximately 7 to 22 feet. Average bankfull width was calculated as 14.6 ft. This corresponds to a 1.2 bankfull width of 17.5 feet. To satisfy the bankfull requirement, a box or arch culvert with a span of 18 feet or greater would be required. Refer to the attached Reference Reach Plan and Cross-Sections for details on the bankfull width determination (NOI Figure 6).

Culvert length for the proposed crossing is 133 feet. An openness of 0.82 requires a minimum flow area of 109 square feet. Assuming a box culvert with 18 feet span and a required embedment depth of 2 feet, a rise of 9 feet (7 feet above ground) would be required to satisfy the openness requirement.

A crossing that meets these bankfull width and openness requirements would be constrained by the footprint of the existing road and culverted crossing. Installation of a span of that size would

require extensive additional tree clearing and grading in the riverfront area surrounding Stream S1 over the proposed crossing. Stormwater calculations reported in the Stormwater Report indicate that a 18-foot span is not required and that the proposed 60-inch culvert is capable of passing more than the 100-year storm volume. A larger span would greatly exceed the required storm capacity while the proposed culvert is more appropriate in meeting design flow capacities and avoiding adverse impacts to upstream or downstream flows and stages. For those reasons, meeting the 1.2 bankfull width and 0.82 openness ratio was not deemed practical or appropriate for this project and a 60-inch CMP was proposed. Refer to Section 2.2 of the Stormwater Management Report for the hydraulic analysis of the proposed crossing.

12) *The NOI narrative asserts that the installation of a stream crossing is exempt from the requirements to perform a wildlife habitat evaluation.*
    a. *This exemption applies to stream crossings that fully comply with the Massachusetts River & Stream Crossing Standards (**emphasis added**), "Work on a stream crossing shall be presumed to meet the performance standard set forth in 310 CMR 10.54(4)(a) **provided the work is performed in compliance with the Massachusetts Stream Crossing Standards by consisting of a span or embedded culvert in which, at a minimum, the bottom of a span structure or the upper surface of an embedded culvert is above the elevation of the top of bank, and the structure spans the channel width by a minimum of 1.2 times the bankfull width**."*

       As stated above supporting details regarding bankfull width and openness ratio have not been provided. Rather, the stream crossing is proposed as meeting the Massachusetts River & Stream Crossing Standards to the maximum extent feasible (rather than full compliance).
    b. *Proposed impacts to Stream S6 associated with the widening of the haul road, do not qualify for the stream crossing exemption under 310 CMR 10.54(4)(a)6 and 10.56(4)(a)6. With that said, based on observations made during the sit visit, the upper reach of Stream S6 proposed to be altered provides little to no wildlife habitat value. The reach is highly manipulated (shoulder of existing haul road, riprap, stormwater inputs).*

Details on bankfull width and openness ratio has been included above and in the revised NOI as well as a wildlife habitat evaluation for Streams S1 and S6. Neither stream in the limits of disturbance were found to provide significant wildlife habitat as both streams have been previously disturbed by construction of the existing road and stormwater infrastructure.

<u>Bordering Vegetated Wetland</u>

13) *Based on observations made in the field, the proposed temporary sediment trap #3, pocket wetland, access road and temporary sediment trap #2 will impact protected BVW. These proposed structures should be re-evaluated after the assessment and delineation of BVW. Per 310 CMR 10.55 (4), BVW impacts must be avoided, minimized, and mitigated.*

The project has been revised to eliminate project components in this area.

14) As previously stated on page 2, a hydrophytic plant community was observed within existing road swales north and south of the catch basin located proximal to proposed temporary sediment trap #5 and the proposed pad. If supporting documentation establishing the area as a legally permitted stormwater system cannot be provided, the hydrophytic plant community should be further assessed and delineated as a Bordering Vegetated Wetland if the criteria under 310 CMR 10.55(2) is met.

This area is part of the applicant's existing NPDES permitted stormwater system and consists of a stormwater swale installed concurrently with the adjacent road to direct stormwater to an existing catch basin. The applicant holds a NPDES permit (Permit #MAR053304) that regulates stormwater on the property and allows the applicant to modify the system as necessary to direct stormwater into infrastructure.

Riverfront Area

15) A complete assessment of the Performance Standards under 310 CMR 10.58(4) (a) through (d) has not been provided.

The general performance standards for riverfront area set forth in 301 CMR 10.58(4) are:

> (a) Protection of Other Resource Areas. The work shall meet the performance standards for all other resource areas within the riverfront area, as identified in 310 CMR 10.30 (Coastal Bank), 10.32 (Salt Marsh), 10.55 (Bordering Vegetated Wetland), and 10.57 (Land Subject to Flooding). When work in the riverfront area is also within the buffer zone to another resource area, the performance standards for the riverfront area shall contribute to the protection of the interests of M.G.L. c. 131, § 40 in lieu of any additional requirements that might otherwise be imposed on work in the buffer zone within the riverfront area.
>
> (b) Protection of Rare Species. No project may be permitted within the riverfront area which will have any adverse effect on specified habitat sites of rare wetland or upland, vertebrate or invertebrate species, as identified by the procedures established under 310 CMR 10.59 or 10.37, or which will have any adverse effect on vernal pool habitat certified prior to the filing of the Notice of Intent.
>
> (c) Practicable and Substantially Equivalent Economic Alternatives. There must be no practicable and substantially equivalent economic alternative to the proposed project with less adverse effects on the interests identified in M.G.L. c. 131 § 40.
>
> (d) No Significant Adverse Impact. The work, including proposed mitigation measures, must have no significant adverse impact on the riverfront area to protect the interests identified in M.G.L. c. 131, § 40.

The project has been designed to meet the performance standards of all resources within the riverfront area, and will not impact Coastal Bank, Salt Marsh, Bordering Vegetated Wetland, or Land Subject to Flooding.

The project will not impact habitat of rare species according to the most recent Natural Heritage & Endangered Species Program mapping or any certified vernal pool according to the most recent Massachusetts GIS mapping.

In order for the applicant to access the east side of their property they must cross Stream S1, as it extends the length of the property. Improving the existing crossing of Stream S1 requires less

impacts and expense than installing a new crossing in a different location. Because of the constraints of the site, there is no is practicable and substantially equivalent economic alternative.

Within the 200-foot riverfront area, the Commission may allow alteration of up to 5,000 sqft or 10% of the riverfront area provided that a 100-foot wide undisturbed vegetated area is maintained and stormwater is managed according to the Massachusetts Stormwater Policy. The project proposes 135,775 sqft of temporary and 79,012 sqft of permanent impact, a total of 214,787 sqft to the riverfront area, 11% of the total area on the parcel (1,959,000 sqft). However, the temporarily impacted portion will be allowed to revegetate so only 4% of the riverfront area on site would be permanently altered. Vegetation clearing within the riverfront area will be limited to extent necessary for the footprint of the widened road and culvert installation. As described, there is no access to the east side of the property without crossing this stream and improving the existing crossing would have far less clearing in the riverfront area associated with it than installing a new crossing. The proposed project does comply with Massachusetts Stormwater Policy and would not impair the capacity of the riverfront area to provide wildlife habitat functions. Erosion and sedimentation controls have been incorporated into the project design to protect groundwater and surface water quality.

16) *The proposed project does not meet the minimum 100-foot-wide area of undisturbed vegetation requirement under 310 CMR 10.58(4)(d)1.a. and the application does not include the submittal of evidence to justify work within the inner 100-FT.*

The applicant is not able to access the east portion of their property without crossing Stream S1, and improving the existing stream crossing requires the least amount of vegetation clearing. Any areas disturbed for construction would be stabilized and seeded, and then allowed to revegetate. Additionally, the existing banks of Stream S1 are sparsely vegetated and so vegetation clearing would not significantly impact the existing conditions of the riverfront area.

17) *In the event that full compliance with the performance standards under 310 CMR 10.58(4) cannot be met, the project may be eligible for Limited Project status under 310 CMR 10.53(3)(e).*

As proposed, the applicant maintains that the project is eligible for Limited Project status under the above referenced regulation for “construction and maintenance of a roadway of minimum legal and practical width acceptable to the planning board, where reasonable alternative means of access from a public way to an upland area of the same owner is unavailable”. In order for the applicant to access the eastern portion of the property, they must cross Stream S1 and replacing the existing stream crossing rather than constructing a new crossing is the least impactful alternative. The stream crossing would not restrict the flow of water and has been designed to minimize impacts to the extent practicable.

18) *The proposed project does not appear to qualify for review under Riverfront Area Redevelopment 310 CMR 10.58(5), therefore, the Performance Standards under 310 CMR 10.58(4) must be met, or limited project status applied. Based on a review of readily available aerial imagery, the haul road did not exist in August of 1996. Construction of the haul road is first visible circa 2005-2009. The Commission should review the property files to determine whether the haul road was legally permitted under 310 CMR 10.00. If so, were there any ongoing special conditions associate with the Order of Conditions?*

The applicant is not aware of any ongoing special conditions associated with installation of the haul road.

Additional Comments/Recommendations

1) *The NOI narrative states that the proposed project timeline extends from October 2022 to May 2023. This period is outside of the typical low-flow conditions when stream crossing replacements are characteristically constructed to reduce potential adverse impacts. Additional details should be provided to demonstrate how the replacement will be achieved in a controlled, stable matter during anticipated high flows. Details regarding the proposed sandbag dike should be provided to demonstrate that high-flow volumes will be appropriately retained and the work area isolated. NOTE: While Sheet C-130 indicates an upstream, temporary sandbag dike, the NOI narrative (page 3) states that the upstream and downstream sides of the stream will be blocked by sandbag check dams. The applicant should clarify the proposed methods for isolating the work area, check dams are not clearly depicted on Sheet C-130.*

The stream bypass and culvert installation is expected to occur over approximately 48 hours. The applicant plans to self-perform the proposed work and has the ability to plan scheduled work around weather conditions. Additionally, this stream receives the majority of its hydrology from rain events and snow melt so it is not typically flowing water at its capacity even during the higher-flow period of the year. Installation of the culvert would be scheduled to minimize potential adverse impacts during high flow conditions.

2) *Calculations should be provided demonstrating that the temporary bypass hose and pump have been sized appropriately for anticipated high-flow*.

The temporary bypass hose and pump calculations have been verified based on the conditions present at the Site. The calculations will be provided in the stormwater report provided by the Applicant. Additionally, standard specifications and requirements for sizing of the system have been incorporated into the plans to reference during construction.

3) *The NOI narrative states that "compost filter sock and/or haybales would be used at the end of the discharge hose to act as a sediment trap…" this should be shown on sheet C-130. The sheet currently shows an approximate discharge directly into the downstream reach. Compost filter sock and/or strawbales should be located within an upland, not directly within the stream.*

Sheet C-130 has been updated to show the location of the sediment trap in an upland area adjacent to the stream.

4) *Portions of the proposed project timeline fall within the winter months, outside of the growing season. Proposed site stabilization measured requiring the germination of seed and establishment of a stable vegetative cover can not be achieved outside of the growing season. The applicant should address how winter stabilization will be successfully achieved. If used, erosion control blankets comprised of fiber-based biodegradable materials should be installed (rather than blankets containing plastic netting which presents a significant hazard to wildlife).*

If restoration activities occur outside of growing season, the area will be seeded and stabilized with erosion control blankets composed of only natural fibers. Plastic and/or nylon netting is not permitted.

5) *There is a LOD line shown on sheets C-105 and C-110 extending south along an existing drive. A site plan detailing the LOD and proximal upstream reach of Stream S1 has not been submitted. Sheets C-106 and C-112 omit the area to the south. This area was not reviewed in the field.*

Widening of the haul road is proposed south along an existing drive to an existing pad site. A portion of this part of the road is within buffer zone but otherwise will have no impact on regulated resource. Plans have been included showing the work proposed for the length of the haul road.

6) *The NOI plan set has not been stamped and signed.*

The plan set will be stamped and signed once design is final and provided to the Commission prior to construction.

7) *The submitted Checklist for Stormwater Report has not been stamped and signed.*

The Checklist will be stamped and signed once design is final and provided to the Commission prior to construction.

8) *The site plans do not indicate any test pits for onsite soils assessment pertaining to stormwater management and design. Mapped soil types by the NRCS must be confirmed in the field. Any observed deviations from the NRCS mapped soil type must be incorporated into the stormwater management design. Based on soil textures documented in the wetland determination and delineation forms, observed soils were not consistent with mapped soil types. Rather, finer textures soils (including clay loams and sandy clay loams) were documented as observed.*

The design has been revised, and test pits are scheduled to take place the week of 10/31 to ensure that field conditions are confirmed for the placement of both basins within the proposed LOD. In order to progress the designs, the applicant has incorporated conservative numbers for the stormwater calculations which will be confirmed with the scheduled field activities as stated above.

9) *The Commission should consider that Stockman Associates, ASMG and Kleinfelder conduct a follow-up site visit once identified BVWs have been delineated and revised site plans have been provided.*

The applicant has revised their wetland and watercourse delineation at the request of Stockman Associates and has updated the design elements of the project (as discussed in earlier comments and provided on the attached updated plans) to eliminate or reduce impacts to regulated resources. The applicant respectfully requests the Commission find these actions sufficient to eliminate the need for another site visit.

10) *The Commission is encouraged to provide this Stockman Associates peer review letter to the licensed professional engineer providing the separate peer review to evaluate the May 4, 2022 Stormwater Report and other engineering components.*

The applicant understands that the Commission has elected not to require peer review of the Stormwater and engineering components of the project.

Please contact ASMG or Samantha Pretzel (Project Manager) at 304-288-8978 or spretzel@kleinfelder.com if you have any questions regarding this response or require any additional information. Thank you for your consideration on this matter.

Respectfully yours,

Eileen Piskura

Eileen Piskura
Kleinfelder

cc: Daniel Hartman, All States Materials Group

Enclosure: Revised NOI documents