



November 2, 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 for the November 2<sup>nd</sup> hearing. Some of our comments here are redundant to the comments in our July letter, but are worth repeating to provide the full spectrum of our concerns and because these aspects of the Eversource/DCR proposal have not been modified.

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.**

The proponents should not rely on the excellent conservation land surrounding their project in order to justify their project – they are essentially implying that the abundance of nearby excellent habitat allows some to be destroyed. The proposed project is significantly and permanently altering the quality and character of hundreds of acres of protected conservation land.

The proponents continue to assert that they are improving habitat. SVT strongly disagrees. 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 proponents continue to assert – contrary to their own evidence - that the abandoned rail lines prevent wildlife movement over the full length of the corridor. This is not true. Two rare turtles have been documented at the site – wood turtles and Eastern box turtles - and 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 abandoned rail line does not obstruct their movements.

Extensive pavement in a linear corridor does not qualify as a habitat improvement. 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 much more exposed to predation and harassment or collection by recreationists. This applies to salamander and wood frogs moving across the landscape as well. The current dirt trail that follows this corridor averages 4 ft-wide, much narrower in the majority of areas than the proposed 10 foot wide pavement with mowed shoulders.

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. Increasing the number of free-running dogs is especially of concern for our nesting birds including the state-listed whip-poor-will. Will dogs be kept on leash? Who would enforce such a ruling as SVT and the Town already struggle to enforce leash laws on our own properties?

Whip-poor-wills (WPWs) 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. SVT has documentation of WPWs arriving to the site in April; therefore, the Time of Year (TOY) restriction for the whip-poor-will breeding season should be extended to include April. We disagree that vehicle movements should be allowed during the TOY restrictions.

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.

There is a fence being installed partially on top of the one and only remaining population of wild lupine, a watch-listed species. We expect that rail trail activity over time is likely to wipe out this population as evidenced by what happened to the other very small population that

used to be located near another trail intersection along the abandoned rail line. *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 proponents continue to propose to lay down 4" loam for reseeding and planting areas. This is not consistent with the sandy soil types of this site and habitat. Therefore, this is a permanent alteration, not temporary – in spite of plantings. VHB claims it is appropriate to use loam where the area is forested even though the natural soils are sandy. They do not provide an explanation for this judgment. We disagree and do not follow their line of reasoning.

The proponents should seek to save existing non-contaminated soils from the site and provide specific information on the source of any fill used, and its appropriateness for the geology and habitat at this site. It should be assured that no other habitats are being destroyed to obtain the fill. The proponents state that subsoil and topsoil will be segregated and saved but then goes on to say that soil will not be stockpiled and then also says that they will bring in man-made soils (pg. 39-40). This is confusing. What are "man-made" soils? Will they reuse soils from the site or replace them? We note that they say that some soils that are considered to contain invasive plant seeds will be replaced. In general, again, we consider this to be permanent alteration.

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. 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?**

Time of Year restrictions are only recommendations and not requirements according to the Turtle Protection Plan – the plan states 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 TOY guidelines should be RESTRICTIONS, not recommendations. *Turtle sweeps are not adequate to ensure that no turtles are in the work zone.*

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.

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.

There are a few items to which we agree with the proponents plans:

1. They should not uninstall and reinstall erosion control barriers because this just exacerbates disturbance. The erosion control design does allow wildlife to move through.
2. The proposed TOY restriction of March 1 – June 1 for vernal pool breeding migration (within 450 ft of vernal pools) is adequate.
3. It is not feasible to try to replace snags; according to the Wildlife Habitat Evaluation, 35% of snags will be lost during construction.

It is our understanding that SVT property is being considered for mitigation, but we have not been consulted. From what we understand, the proposed mitigation is woefully inadequate to compensate for the extensive habitat loss and degradation. The proponents have been consistently down playing the project's impacts to this extensive and highly significant habitat conservation area. Considerations for mitigation at this time seem to be premature. And if considered, how would the mitigation be guaranteed to be implemented and to be held to high standards?

We continue to have concerns about DCR's ability to complete its portion of the project (Phase II) 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?

We have observed even the most responsible contractors do the wrong thing because their bottom line is to get the job done and get paid. 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 project.

The most current, revised plans still do not meet the performance standards of the Sudbury Wetlands By-Law. SVT strongly encourage the commission to require that the proponents address the many shortcomings of their plan before considering issuing a permit. If a permit is issued, we also ask that any Order of Conditions contain mechanisms that ensure that the proponents adhere to requirements, both during and after construction.

Thank you for your consideration of our concerns.

Sincerely,

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

Laura Mattei  
Director of Stewardship