



**Massachusetts Association of Conservation Commissions**  
*protecting wetlands, open space and biological diversity through education and advocacy*

June 5, 2009

Karen Adams  
Paul Sneeringer  
Army Corps of Engineers  
696 Virginia Road  
Concord, MA 01742-2751

Re: **File No. 2008-3745 – MassHighway Proposed General Permit for Accelerated Bridge Program**

Dear Ms. Adams and Mr. Sneeringer:

On behalf of Mass Audubon and the Massachusetts Association of Conservation Commissions (MACC), we submit the following comments on this proposed general permit. Both Mass Audubon and MACC have advocated for many decades for strong, reasonable, consistent regulations to protect the commonwealth's wetlands and water resources while allowing for reasonable and cost-effective repairs and replacement of decaying infrastructure. We support in principal an approach to permitting of necessary bridge replacement projects that enables these projects to proceed expeditiously and with efficient use of tax dollars. Nevertheless, we are concerned that the draft permit as proposed represents a missed opportunity to address serious problems presented by existing bridges that act as barriers to natural flow of water and/or passage of wildlife and recreational users.

These comments provide several suggestions for improvements to the general permit which, if adopted, will significantly improve the environmental and infrastructure stability results of this program without unduly constraining or delaying these important projects. In particular, we recommend that that final permit include:

- A requirement to apply the Wildlife Accommodation flowchart analysis from Chapter 14 (Figure 14.1) of MassHighway's 2006 *Project Development & Design Guide*<sup>1</sup>;
- Analysis of hydraulic and wildlife barriers and potential reduction in these barriers for bridges intercepting the 50 year floodplain (rather than the 10 year as proposed);
- Removal of existing abutments unless there is a compelling environmental or safety reason to allow them to remain in place;
- Modification of the Project Eligibility standards to change the term "clearance" from the Massachusetts Natural Heritage and Endangered Species Program (NHESP) to a "no adverse impact" finding; and
- Establishment of an upper limit (e.g. 5,000 sf) on the amount of "temporary" wetland impacts allowed in staging areas.

The UN International Panel on Climate Change and other scientists predict that New England will experience significant changes in precipitation patterns due to rapid climate change that is already underway. It is

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<sup>1</sup> <http://www.mhd.state.ma.us/default.asp?pgid=content/designGuide&sid=about>

very likely that Massachusetts will experience more frequent severe storms and flooding events. At the same time, it is also widely recognized that roads and other infrastructure have created significant barriers to the movement of aquatic life and other wildlife across the landscape, at a time when the ability to migrate is increasingly important to enable ecological adaptation to the effects of climate change. Mass Audubon and MACC participated in the Executive Office of Energy and Environmental Affairs' (EEA) 2007 Aquatic Habitat Restoration Task Force which produced the report *Charting the Course: A Blueprint for the Future of Aquatic Habitat Restoration in Massachusetts*. The Army Corps of Engineers was also a member of the task force, and staff from MassHighway and other transportation agencies were included in discussions regarding the role of transportation infrastructure in habitat impacts and restoration. The report recommended that state and federal agencies “**develop regulatory incentives to promote restoration elements within non-restoration projects (e.g., road and highway repair or replacement projects)**” (p.22). UMass' River and Stream Continuity project has developed technical recommendations for ensuring stream continuity at road crossings. While it may not be feasible to apply the full extent of these stream crossing standards to all bridge replacement projects, it is imperative that the commonwealth do more than simply replace existing deficient bridges with new bridges that present exactly the same barriers to flow and wildlife that the old bridge entailed. MassHighway's own *Development & Design Guide* provides an analytical framework for determining which bridges should be upgraded, and we recommend that the permit be modified to incorporate that approach.

In conclusion, we note that replacement of unsafe or structurally deficient bridges is an important public purpose. At the same time, it makes little sense to expend public funds in a manner that repeats historic design flaws. In fact, replacing bridges without addressing those that block natural streamflow puts infrastructure at risk of premature failure, particularly as more intense storms cause increased flooding associated with climate change. It is prudent and cost effective to include the conditions suggested above in the final permit for the Accelerated Bridge Replacement Program.

Thank you for considering these comments.

Sincerely,



E. Heidi Ricci  
Senior Policy Analyst  
Mass Audubon



Linda Mack  
Executive Director  
Massachusetts Association of Conservation Commissions

cc: Kevin Walsh, MassHighway  
Ian Bowles, Secretary, EOEEA  
Laurie Burt, Commissioner, DEP