



TAUNTON RIVER WATERSHED ALLIANCE

A VOICE FOR THE RIVER SINCE 1988

January 28, 2022

Carlos T. B. Fragata
Environmental Analyst, Waterway Regulation Program
Massachusetts Department of Environmental Protection
20 Riverside Drive
Lakeville, MA 02347

Submitted via U.S. mail and by email to: carlos.fragata@state.ma.us

RE: License Application Number WL21-6006
Berkley Land Trust Company, LLC

Dear Mr. Fragata:

Thank you for the opportunity to submit comment on License Application Number WL21-6006 from Berkley Land Trust Company, LLC the Berkley Project to construct and maintain a pier, ramp and float, boat ramp and to dredge at 2 Riverside Drive in and over flowed tidelands of the Taunton River.

Taunton River Watershed Alliance, Inc. (TRWA) requests that a license not be granted for this project.

Since 1988, the Taunton River Watershed Alliance (TRWA) has been a voice for the 562 square mile [Taunton River watershed](#) which extends from Mount Hope Bay in Fall River to the City of Brockton, including all or parts of 43 cities and towns. We are an advocate for environmental protection, sustainable development, and responsible stewardship of our precious water resources. We are an Alliance of concerned residents, businesses, and organizations united to restore and properly manage water and related natural resources within the Taunton River Watershed.

The purposes of the Alliance are:

- To protect and restore the watershed's natural resources for current and future generations
- To build and support responsible stewardship of fragile ecosystems, water quality, forests, farmland, and wetlands
- To provide opportunities for people to enjoy the river and the watershed's open space
- To be an integral resource for environmental education and be voice for threatened land and water resources.

TRWA has TRWA has 315 members and 22 Berkley members which reside in the town of Berkley, MA.

Our Mission: ...to protect and restore the watershed's natural resources for current and future generations.

Taunton River Watershed Alliance, at Sweets Knoll State Park, 1387 Somerset Ave., (Rt. 138), Dighton
Mailing address: P.O. Box 1116, Taunton, MA 02780 • 508 -828-1101 • www.savethetaunton.org

The initial concern about this project was raised by a Berkley TRWA member who has been a recreational fisherman and kayaker in the area of the proposed project (confluence of the Taunton and Assonet Rivers) for years. He believes that this activity will do irreversible harm to the ecosystem of the area and endanger the safety of kayakers in the area.

Another Berkley resident described the project as follows, "The project is a private dock for the Pierce Point Housing Development, 23 mansions built with several on the river on Ridge Street which could put in their own docks if they wanted. The area is a beautiful location that has been used by canoeists and kayakers, fishermen, and just photographers. A seal has been seen sunning itself on Conspiracy Island which in itself is thought to be a location that King Philip has used."

TRWA has the following comments on this project:

- The Taunton River has a federal Wild Scenic River designation – This project and similar projects along the river are cumulatively degrading the wild and scenic character of the river. This project is particularly harmful due to its location on the southwestern tip of Assonet Neck at the confluence of the Taunton and Assonet Rivers and adjacent to the vulnerable Conspiracy Island making it extremely visible. A poor place to build the proposed 170-foot-long manmade structure and boat docking facility.
- The no build option was incorrectly discarded based on alleged use of the location for parking vehicles in a manner that may damage the existing beach area and lack of alternatives to achieve the project purpose. Berkley TRWA members have advised us that they have not seen vehicles parking on this beach for water access. If this exists and was problematic the town could remedy the situation by making a small parking/turn around area at the end of [Riverside Drive](#), installing a fence or guardrail which allowed only pedestrian access, or with the cooperation of the landowner by making a small parking area on site. There are existing boat launch facilities, docks and marinas in the area making this project unnecessary to accomplish the project purpose (launching and docking boats).
- The project visually degrades the coastline making it less appealing for wildlife and passive recreation (kayaking and fishing) by the public.
- Destruction of the landscape of the iconic Assonet Neck shoreline and Conspiracy Island which is already suffering from increased erosion from sea level rise, increased frequency and intensity of storms coming up the estuary as a result of climate change and boat wakes for a private dock serving a wealthy home association is an environmental justice issue the state failed to address in its review.
- The intrusion of the facility into the previously undeveloped coastline and use of the docks by large motorized water craft puts sensitive species (including endangered and threatened species) at risk from vessel strikes and loss of habitat due to species migration from the area. TRWA has just complete its sixth year of studying the northern diamondback terrapin (*Malaclemys terrapin*) which inhabits the area proposed for the project.
- This location is a sensitive and productive area of the estuary as documented by the [Narragansett Bay Estuary Project](#) and by EPA and MassDEP in the Fact Sheets for watershed NPDES permits including the [Fact Sheet for the City of Taunton Draft Clean Water Act Permit](#) for example.
- The project presents a safety hazard to recreational kayakers by increasing motorized boat traffic in the area.
- The Taunton estuary and Mount Hope Bay has an excess nitrogen loading problem see comprehensive MassDEP sponsored study from 2004 to 2006 - [SMAST, Summary of Water Quality Monitoring Program for the Mount Hope Bay Embayment System \(2004 – 2006\) \(August 16, 2007\)](#) along with MassDEP letters of [11/13/2018](#) and [7/29/2019](#) . Nitrogen loading results in algae blooms and low dissolved oxygen in both the upper Taunton River near the proposed project (MHB site 19) and the deep waters of Mount Hope Bay. The project has the potential to exacerbate this problem due to fuel and fluid leaks from parked vehicles and watercraft.
- The area is habitat for federal and state endangered and threatened species including:
 - Sturgeon
 - Bald Eagles
 - Diamondback terrapin

- The project will pose primary and secondary impacts to tidal marsh lands located adjacent to the project location. Allowing large power boats will ruin the location, not to mention the Island and aquatic system as well as the salt marsh which has suffered significantly from the effects of climate change and boat wash. Increasing the number of power boats adjacent to the nearby tidal marsh and Conspiracy Island will cause irreparable harm to these resources.
- The project intends to dredge/remove 85 cubic yards of Coastal Beach and Land Under the Ocean which will permanently harm the shellfish and water quality of the Taunton River. No alternatives analysis has been prepared and no adequate restoration has been proposed to offset the impacts.
- The project is adjacent to a salt marsh which are significant to the protection of marine fisheries, wildlife habitat, shellfish and coastal storm flowage. MassDEP 310 CMR 10.32 specifically states “a proposed project in a salt marsh, on lands within 100 feet of a salt marsh, or in a body of water adjacent to a salt marsh shall not destroy any portion of the salt marsh and shall not have an adverse effect on the productivity of the salt marsh”. This project we believe will have both short- and long-term adverse effects on the productivity of the two salt marshes adjacent to the project.
- The dredge material removed and used to create two artificial sacrificial dunes on the coastline on each side of the pier, parking area and boat ramp will alter the coastline adversely affecting adjacent tidal marsh and shoreline physical and ecological habitat. The built-up land will erode during large storms and transfer energy to adjacent salt marsh lands causing ancillary damage.
- The project location at the down estuary facing elbow of land (southwestern tip of Assonet Neck) where the Taunton and Assonet Rivers merge is in an exposed area making the project vulnerable to damage in large storms. Better more protected locations up river in already developed areas away from vulnerable salt marshes exist. An up river site would require less robust and costly construction. The project even as overbuilt as proposed is unlikely to survive the next hurricane which comes up Mount Hope Bay. As mentioned above the project makes the surrounding marsh lands more vulnerable to storm damage from medium to large storms.
- Climate change/sea level rise considerations are only cursorily factored into planning the project. A fuller analysis is warranted.
- Flood plain and velocity zone considerations are similarly not adequately factored into planning the project. A fuller analysis is warranted.
- The project appears to provide minimal public benefits other than a walking path to the water. The project sacrifices visual amenities that have been enjoyed by the public for generations.
- As pointed out by an abutter’s comments in the record the entrance to the project site is on a dangerous curve where Riverside Drive and Bayview Avenue meet and the roads leading to the project are narrow, thickly settled and unable to accommodate additional traffic transporting watercraft to the project location.
- There are archeological concerns about the area and nearby Conspiracy Island. Local residents have advised TRWA that the area was active as an encampment of King Philip.

For the reasons stated above Taunton River Watershed Alliance, Inc. (TRWA) requests that a license not be granted for this project.

Sincerely,

Joseph Callahan

Joseph Callahan
President

cc: via email to,

Kathleen A. Theoharides, Secretary EOEEA
Bill Napolitano, Southeastern Regional Planning & Economic Development District
Kate McPherson, Save the Bay
Heidi Ricci, Massachusetts Audubon
Danielle Perry, Massachusetts Audubon
Jamie Fosburgh, National Park Service, Wild and Scenic River Program
Paul M. Maniccia U.S. Army Corps of Engineers
Edward Reiner, EPA Region 1
David Paulson, Mass Wildlife
Erin Burke, Mass Division of Marine Fisheries
Ross Kessler, Mass Division of Marine Fisheries
John Logan, Mass Division of Marine Fisheries
Massachusetts Archeological
Massachusetts Historical Commission

via U.S. mail:
Berkley Conservation Commission