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Ian A. Bowles
Secretary
Mary B. Griffin
Commissioner

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Ian A. Bowles, Secretary
Office of Energy and Environmental Affairs
Attn: Elizabeth Sorenson, ACEC Program
Department of Conservation and Recreation
251 Causeway Street, Suite 700
Boston, MA 02114

Dear Secretary Bowles:

I am writing on behalf of the Department of Fish and Game ("DFG") to express strong support for the proposal to designate the *Upper Housatonic River Area of Critical Environmental Concern ("ACEC")* located within the municipalities of Lee, Lenox, Pittsfield, and Washington. The ACEC would encompass approximately 12,280 acres, including a 13 mile stretch of the Housatonic River extending from the confluence of the east and west branches in Pittsfield southward to north Lee. For the reasons summarized below, this proposal clearly meets the criteria for designation as an ACEC by being a unique ecosystem of regional significance.

An ACEC designation allows the affected communities, property owners and other stakeholders to preserve and manage areas they identify as having natural and cultural resources of regional or statewide significance. In order for an area to be eligible for designation as an ACEC, it must contain at least four (4) of the (11) eleven ecosystem features specified in the ACEC Regulations at 301 CMR 12.06. Such features include fishery habitat; inland wetlands; inland surface waters; natural hazard areas such as floodplains; habitat resources for state-listed species under Massachusetts Endangered Species Act ("MESA"); and special use areas such as public recreational or natural areas. The criteria for designating an ACEC includes the quality of natural characteristics; productivity of the area as a food source for or hosting a high diversity of finfish, shellfish, waterfowl, wildlife, or other biota; uniqueness of the area; and other supporting factors such as a strong public consensus on the intrinsic value of the area and ownership of some or all of the resource by the local, state, or federal government. See 301 CMR 12.09.

DFG's Division of Fisheries and Wildlife ("DFW") has highlighted the unique and biologically diverse ecology of the Housatonic River watershed in a separate letter supporting the ACEC designation and in their May 19, 2008 comment letter on General Electric Company's Corrective Measures Study of the "Rest of River" ("ROR") remedy for the Housatonic. The description and materials contained in the *Upper Housatonic River ACEC* Nomination also document the array of special ecological and cultural features of this area and amply support the designation.

To summarize, the Housatonic River has a characteristic braided, wide floodplain with slow moving water that supports diverse wetlands, seasonally flooded areas with the associated flora and fauna. The ROR itself supports 68 state-listed species of plants and 25 state-listed species of animals that are protected pursuant to MESA, administered by the Natural Heritage and Endangered Species Program ("NHESP") in DFW. At least eight (8) of these MESA species are restricted to ROR in Massachusetts. An additional 25 species of plants located in the ROR are being carefully monitored for potential future protection under MESA. The ROR contains a number of Priority Habitats for the state-listed species that have been delineated by the Division pursuant to MESA. In addition to the large number of state-listed species located in the ROR, there are thirteen high priority Natural Communities, 12 certified vernal pools and up to 107 potential vernal pools.

The Housatonic River is also a substantial fisheries and recreational resource in western Massachusetts. Thirty-eight species of fish have been found in the ROR section and its supporting waters. Moreover, DFW has identified the mainstem of the Housatonic River as a Cold Water Fishery Resource ("CFR"). Twenty four (24) other waters that are directly tributary to the Housatonic River, West Branch Housatonic River, Southwest Branch Housatonic River or East Branch Housatonic River have also been identified by the Division as CFRs. The Housatonic CFRs, in turn, are designated as coldwater by the MA Surface Water Quality Standards at 314 CMR 4.06. Because these CFRs contain habitat that supports a cold water fish population, the MA Surface Water Quality Standards requires that both the fish population and habitat be protected and maintained as existing uses. Coldwater fish species are particularly vulnerable to habitat degradation caused by activities that adversely impact the water quality and quantity in the CFR, and these fish rely on high quality streams for spawning and thermal refuge. Coldwater fish also utilize the mainstem Housatonic during certain portions of their life cycle. In short, the Housatonic River and its tributaries contain numerous CFRs that support sensitive coldwater fish populations and habitats that warrant the highest protection under the MA Surface Water Quality Standards.

Moreover, the Housatonic River also supports recreationally important species such as trout, perch, bass, northern pike, and tiger muskie. Countless angling hours are spent in the Massachusetts section of the ROR. Woods Pond in Lenox is consistently one of the most heavily ice-fished waters in Massachusetts, and the Catch and Release sections of the Housatonic River attract anglers from throughout the Northeast.

Finally, DFG/DFW has been acquiring property over the past several decades to protect this valuable habitat and its wildlife resources and is one of the single largest land owners along the Housatonic River. The George Darey Wildlife Management Area (the "Darey WMA") located within Reach 5 and 6 of the ROR is owned and managed by

DFW for its biological diversity and wildlife-dependent outdoor recreation. The Darey WMA includes approximately 818 acres spread across multiple parcels consisting largely of river-front and floodplain. DFW has invested substantial resources on behalf of the Commonwealth to protect this open space as habitat for fish and wildlife and provide recreational opportunities. The Darey WMA is one of western Massachusetts' most heavily utilized wildlife managed areas for all types of passive recreation including hunting, fishing, trapping, hiking, canoeing/kayaking, bird watching, and wildlife viewing. Wildlife and outdoor recreation has significant and far-reaching benefits to the economy of the surrounding region. The long-term management of this property to support biodiversity and recreational use is critical to achieving the statutory responsibilities of DFW.

As the above summary makes clear, not only does the Upper Housatonic River area contain most of the 11 ecosystem features specified in 301 CMR 12.06, but these fisheries, wetlands, floodplain, MESA and other wildlife habitats and resources are high quality, rich in diversity and pervasive. Furthermore, the Upper Housatonic River fits squarely within the designation criteria under 301 CMR 12.09 for similar reasons – i.e., due to the area's uniqueness and quality of natural characteristics (particularly from a MESA standpoint); its support of a high diversity of finfish, shellfish, waterfowl, wildlife, or other biota; and the Commonwealth's ownership of substantial and prized wildlife management and public recreational areas (the George Darey WMA and October Mountain State Forest).

In closing, the Upper Housatonic River Area is clearly worthy of designation as an ACEC, and the Secretary's favorable action on the nomination will provide the heightened oversight and protection this area deserves for generations to come.

Sincerely,



Mary B. Griffin
Commissioner

cc: Fisheries and Wildlife Board
Wayne MacCallum, Director, DFW