

Frank H. Dunkl - President
Mill Brook Springs, Inc. Mass. PWS # 4062007
P.O. Box 143, Chilmark, MA 02535

March 15th, 2016

Secretary Matthew A. Beaton
Executive Office of Energy and Environmental Affairs
Attn: MEPA Office
100 Cambridge Street, Suite 900
Boston, MA 02114

Re: Mill Brook Headwaters Restoration Project
Old Farm Road, Chilmark, Massachusetts

Dear Secretary Beaton and Applicable Regulatory Agencies,

I find cause to refute many of the unfounded assertions and “junk science” contained in the Environmental Notification Form, for the above referenced project, submitted to your office on February 29th of this year.

By way of introduction, my family purchased the property immediately abutting, and downstream of the project site, in 1963. Mill Brook flows from the site through our property, and then continues on to eventually empty into Tisbury Great Pond and out to the ocean.

The reason we bought this property was that we recognized the property, and surrounding area comprised a uniquely diverse and ecologically rich micro-environment. We have lived on, and studied this environment, year-round, for more than 50 years. During this time, we have worked closely with environmental professionals, for the purpose of documenting and protecting significant environmental assets of the Upper Mill Brook Area. Since this is such an environmentally sensitive area, we worked closely with Conservation groups and land owners, in a unified effort, to establish what we thought would be permanent protection for the headwaters of the longest stream on Martha’s Vineyard. Thousands of hours of dedicated work in a more than 30 years period, and many tens of millions of dollars in property value were involved in this Community Effort. The property owners involved included:

Robert Skydell, The Gilbert Family, The Ganz Family, Georgia Roth, Lew King, The Dunkl Family, The Hill Family, The Martha’s Vineyard Land Bank, Seven Gates Farm Corporation and the Woods family.

The people and organizations that helped us to discover, document and protect the extensive list of rare and endangered species and significant resources prevalent in the Mill Brook Watershed included:

Tim Simmons of the Natural Heritage Program
Robert Woodruff - then executive Director of the Vineyard Conservation Society

“Rusty” Walton - Chilmark Conservation Officer

Brendan O’Neil - present Executive Director of Vineyard Conservation Society

Lea Tofte - did extensive research and documentation of Vernal Pools in the area

Josie Bruno and Carol Knapp - local wildflower experts

Dick Johnson - former executive Director of Sheriff’s Meadow Foundation

Paul Goldstien - discovered and documented numerous rare and endangered species of insects in the area

Jerry Bertrand - President of Mass. Audubon Society

Bill Wilcox - former extension service agent and Water Quality Specialist at the Martha’s Vineyard Commission

Craig Saunders of Saunders Associates (hydrogeologists)

David Woodhouse of The Cadmus Group (hydrogeologists, environmental planning and ecological remediation experts)

For your information, Georgia Roth gifted the 26 acre parcel, known as Roth Woodlands to Shreff’s Meadow foundation in October of 1972, stating that “It is the express intention of the grantor that the above described premises shall remain forever wild”. She would turn in her grave if she could know what that organization is planning to do to her former property today. Further, My family donated, without any compensation, a conservation restriction to Sheriff’s Meadow Foundation in 1979, with language stating our desire to permanently protect all environmental considerations on our property. Since the days that we worked with Dick Johnson of Sheriff’s Meadow Foundation, that organization has been well aware of the special, and unusually sensitive nature of the Mill Brook Headwaters Region. For Sheriff’s Meadow Foundation to now demonstrate such appalling disrespect for the environment of the area, as well as for major donors from the past, is, to me absolutely disgraceful. The organization didn’t have the common decency to discuss their plans with us, or to even notify us of this ENF filing.

Some of the reasons why I have no confidence in the above referenced ENF are listed below:

1. The report mistakenly fails to mention at least six Vernal Pools within 1,000 feet of the project site, one of which is on the property boundary only 50 yards from the culverts,
2. The report fails to recognize that the site is already designated as a District of Critical Planning Concern (part of the Martha’s Vineyard Commission’s designated “Inland Coastal District”). The project will have to be referred to the Marta’s Vineyard Commission,
3. The report fails to note that the environmental disruption from this project would take place only about 50 yards from the **Zone 1 of a DEP registered Public Water Supply** (Mill Brook Springs - PWS # 4062007), and that this water was bottled and sold to the public for 15 years. The well is a true “Spring Water” source by Federal and State definitions, and is only a maximum of 15 feet deep. The Aquifer is only ten feet (max) thick and the well cannot be drilled deeper. Any draw-down of the nearby water table would cause this well to run dry, causing Public Health and economic consequences,

4. The report fails to note that the so-called "impoundment area" is not just a "dammed stream"; it is a fresh water marsh and a complete balanced ecosystem. Since 1934, this micro-environment has developed a unique character as an environment for a huge variety of fauna and flora, including rare, endangered and unusual species. Any disruption of this sensitive area would have devastating effects on the environment of the whole region. This project needs to be reviewed extremely cautiously, not only with regards to the narrow interests of Mill Brook, but also with regards to a broader view of the entire watershed area,

5. The report fails to note that there are buried telephone lines running up the middle of the road, serving two businesses and one residence,

6. **The entire idea that the existing so-called "perched culverts" are inadequate and causing environmental problems is - in my opinion, a complete fraud.** My family and I have lived next to Old Farm Road for more than 50 years, and have taken special care to monitor the marsh, culverts and stream in all seasons and under all possible weather conditions. **Only once in 50 years has the marsh overflowed the road** (by but two inches), and it took only three tons of stone and gravel to repair the damage. I know, because my brother Peter and I are in charge of repairing and maintaining Old Farm Road for the Old Farm Road Association. This event took place on June 6th, 1998. Thunderstorms dumped 7.4" of rain on the area in only eight hours. It took four days only for storm water levels to return to normal, and Mill Brook to return to its defined banks. So far as the culverts "impeding animal passage" - I would like to know precisely what animals the proponents may be referring to. In 50 years of living here, I have yet to observe any "animal" that couldn't get from one side of the road to the other in a heartbeat. And for your information, the upstream end of the culverts is only 7" above the actual floor of the marsh. I can provide photos of this,

7. The downstream end of the culverts is 42" above the existing stream bed. Lowering the upstream end would cause extreme siltation of Mill Brook (home to the endangered Brook lamprey - which requires pristine quality water), and create an extremely unstable situation for many years to come. Silt and dirt would be continuously flushed through Mill Brook destroying not only the Brook Lamprey, but any other marine life that otherwise might have a chance of surviving there. Siltation is certainly no way to promote fish propagation,

8. Most of the water wells nearby are shallow (22' or less). I know, because, as a Massachusetts Licensed Water Systems Operator, I have applied my training and experience to assist almost every one of my neighbors with their well problems over the years. There is a clay layer under most of this area. The water-bearing layer is very thin - often only 8 to 15 feet thick. If this project results in ANY drop in the average depth to the aquifer, there are going to be a lot of very angry people, as well as potential litigation,

9. The marsh upstream of the culverts goes almost dry EVERY SUMMER. Some years it dries up and grows grass on the marsh floor. There is never any flow into or through the marsh

(or culverts) for part of the spring , all of the summer and into October of most years. Mill Brook on our property, at a point 300' downstream of Old Farm Road, normally has only 2" to 3" of water in it during July, August and September of most years, and there is no measurable flow. How any intelligent person could believe that fish can spawn and reproduce in such conditions is more than I can imagine. That whole watershed only oozes water during the warmer months. You can not get rapidly flowing cold water out of seepage near a surface that is exposed to the sun. My understanding is that the young of some fish species need to be in shallow water of the right temperature for up to two years before they can go down-stream. There just isn't enough water for this project to be successful. And large culverts don't manufacture water - they just permit the land to dry out faster. Those who have lived near here for many years believe in the old saying - "Don't fix that which isn't broken". We are not convinced that anything is "broken",

10. I question the proponent's claim that this project "will result in habitat improvement". That allegation has not been substantiated by any actual facts. At this point, it is just an unsupported opinion. Where are the facts to prove this? Given the millions of dollars and thousands of hours that have already been expended in an effort to protect this rich and diverse environment, it would be a crime to permit an ill-advised and poorly researched project to destroy all we have worked to protect. I am sure it would result in permanent damage and numerous lawsuits. It is not that we dispute the concept of the project- it is just that we believe it to be "the wrong thing for this site". The conditions are not suitable, it will do unacceptable damage, and it just won't work,

Given the above, and realizing that far more than merely a "stream restoration project" is involved, won't you **please demand that a reliable and thorough environmental analysis** be prepared to expose ALL the positive AND NEGATIVE impacts that this project may have on this precious area? It is the only responsible thing to do.

Please notify me of any site visits or of anything else that pertains to this project.

Thank you for your consideration of the above.

Sincerely,



Frank H. Dunkl - President
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Enclosure: Copy of deed - Georgia Roth to Sheriff's Meadow Foundation, Inc.

CC: see distribution list attached