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To: Connecticut Department of Energy and Environmental Protection
Bureau of Water Protection and Land Reuse, Water Planning and Management Division
79 Elm Street
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Attn: Sarah Hurley

From: Michael Jastremski, Watershed Conservation Director
Lindsay Larson, Connecticut Watershed Manager

Subject: HVA Comments on Draft Bantam Lake Watershed-based Plan Documents

August 19, 2021

Dear Sarah Hurley:

The Housatonic Valley Association (HVA) respectfully submits the following comments on the *Draft* Bantam Lake TMDL and *Draft* Bantam Lake Watershed-Based Plan recently completed by Comprehensive Environmental, Inc. (CEI) and the Connecticut Department of Energy and Environmental Protection (CT DEEP). In preparing these comments, we attended the kickoff stakeholder meeting held on May 13, 2020 and reviewed the following documents: *Draft* Statewide Lake Nutrient TMDL Core Document, *Draft* Bantam Lake TMDL Appendix, *Draft* Bantam Lake Watershed-based Plan Addendum, Bantam Lake Fact Sheet, and the presentation slides from the July 29, 2021 stakeholder meeting.

HVA is pleased to have a close and cooperative working relationship with CT DEEP. Our strong partnership has been and continues to be essential for achieving our shared goals for watershed management within the Housatonic River basin. We applaud the work done by CEI, CT DEEP and the US EPA to create a Statewide Lake Nutrient Total Maximum Daily Load core document, and are pleased that a lake within the Housatonic River watershed was the first to be selected for a lake-specific Watershed-based Plan (WBP). We look forward to collaborating with CT DEEP, US EPA, watershed towns and other stakeholders to improve the health of Bantam Lake, the Shepaug River and downstream waters.

We understand that the WBP and associated documents were researched and written on an accelerated timeline, during unprecedented global events. We surmise that the Covid-19 pandemic hampered fieldwork, stakeholder engagement, and other WBP development tasks that require in-person work (it certainly did for HVA).

We note a lack of stakeholder engagement during the Bantam Lake watershed-based planning process, compared to the watershed-based planning efforts that HVA has been involved with elsewhere in our service area. Again, this is understandable given the constraints presented by the Covid-19 pandemic- but we hope that the review of these draft documents and the implementation phase will be an opportunity for more meaningful engagement of watershed communities, conservation non-profits and other stakeholders. We were grateful to participate in the May 2020 stakeholder kickoff meeting. However, staff members who attended that meeting did not hear anything further about the watershed planning process until July 2021.

We did not receive email notice of the public availability of the Bantam Lake Watershed documents or the July 29th informational meeting until a colleague forwarded the public notice.

We also were not invited to participate in NPS pollution reduction project identification and development. Our Watershed Conservation staff has experience with watershed assessment to document, develop and prioritize water quality restoration opportunities, which we're eager to contribute to the Bantam Lake WBP. Hopefully there will be an opportunity to contribute in this way as the WBP is updated.

Given that we have felt somewhat disconnected from the planning process, we wonder if other key stakeholders who could make valuable contributions to the Bantam Lake WBP have had similar experiences. Moving forward, we suggest a focus on improving communications with stakeholders to cultivate meaningful engagement in WBP implementation. Meeting the load reductions required by the Bantam Lake TMDL is a daunting task that will require strong partnerships and across-the-board buy-in from watershed stakeholders. The rollout of these draft documents is an excellent opportunity to ramp up the critical work of stakeholder engagement.

We have two comments on the Draft Bantam Lake TMDL.

The first regards the *5.0 Existing Local Activities* section (page 20). We acknowledge that you had to be brief and could not include the entire breadth of past and present environmental protection work within the Bantam Lake watershed. However, since culverts were frequently highlighted during the field reconnaissance stage of selecting priority structural project areas, it would be worth mentioning the past and on-going road-stream crossing management work in the region.

- From 2015 to 2016, many culverts and bridges throughout the Bantam Lake watershed (in Litchfield, Morris, Goshen, and Torrington) were assessed and documented using the North Atlantic Aquatic Connectivity Collaborative (NAACC) standardized protocol for aquatic passage assessments. All that data is available to the public via the online NAACC Data Center (https://naacc.org/naacc_search_crossing.cfm).
- Furthermore, since 2016, HVA has been working with municipalities throughout the Housatonic River watershed to create town-specific Road-Stream Crossing Management Plans (RSCMPs), in order to prioritize culverts for replacement based on condition, aquatic habitat connectivity, flood risk, and other town priorities. While the Bantam Lake watershed towns have not yet developed RSCMPs, HVA has created these plans for neighboring towns (e.g., Washington) and would be interested in working with Goshen, Litchfield, Morris, and/or Torrington in the future. See attached fact sheet for more details about the RSCMP process. This work is particularly relevant to the Bantam Lake WBP, as a watershed-wide culvert assessment and prioritization process was specifically recommended ("*To ensure that funds are spent with the appropriate prioritization, a watershed-wide culvert assessment is recommended to identify potential culvert issues that contribute to nutrient loading via transport of sediment and attached phosphorus.*" p.19). HVA has already developed a methodology to assess and prioritize road-stream crossings and could easily add modifications for the Bantam Lake watershed in order to identify culverts that contribute to sedimentation and nutrient loading.

The second TMDL comment is related to *8.0 Monitoring Plan* (p. 44).

- We encourage the incorporation of an outfall monitoring and pollution trackdown element to the monitoring plan, in order to better pinpoint areas where nutrients and bacteria are entering surface waters. We understand that watershed communities are obligated by the Illicit Discharge Detection and Elimination element of the MS4 General Permit to conduct this work in some portions of their jurisdictions, but we recommend a more comprehensive program across the watershed. HVA and our partners have been able to rectify acute pollution issues with minimal expense using the outfall monitoring/pollution trackdown approach.

Regarding the Draft Bantam Lake WBP, we would like to know more about selected structural BMP implementation locations- what was the rationale for choosing these sites? How was meeting TP and TN load reduction targets considered? It seems that several sites were selected based on potential to reduce erosion and sedimentation (e.g., Area 1 and 2). We understand that erosion/sedimentation can be a significant source of nutrient loading depending on soils and land use. We noted in the WBP though that non-regulated stormwater contributes a high proportion of TN and TP total load allocation to the Bantam Lake (Table 2: TMDL Water Quality Targets for Bantam Lake (p. 5)), While several of the proposed structural BMP areas do mitigate stormwater runoff, most are in areas of sparse and disconnected impervious surface (beaches, boat launches, etc.). Were stormwater BMPs in areas of denser development with denser, directly-connected impervious cover considered? Per the TMDL (p. 11), much of the development within the watershed is concentrated around the lake, along roads, and in the town centers of Litchfield and Goshen. The only sites identified in the town centers are Commercial Site 1 and Commercial Site 2 in downtown Litchfield. Additional BMPs in these areas could disconnect impervious cover from the storm sewer system, leading to immediate pollutant load reductions. Practices such as rain gardens, permeable pavement, green roofs, infiltration trenches, and bioswales could have a significant positive impact on water quality in Bantam Lake.

It is our understanding that the field reconnaissance stage of this process relied heavily on the generosity of White Memorial Conservation Center and its volunteers, and that that work was conducted over the course of only a few weeks. It is impressive that WMCC and their volunteers were able to document so many potential projects given their resources and time constraints. However, this also means that the initial potential project pool might have skewed to sites that could be conveniently reached (e.g., at road-stream crossings) and that were also easily identified by laypeople. The project pool would be more robust had there been more strategic field reconnaissance over a longer period of time. We hope HVA can help identify, develop and prioritize additional projects that further the goals of the WBP and the TMDL, and get priority projects added to the WBP as they are developed and approved by stakeholders.

Finally, regarding the non-structural BMPs (public education and outreach), we strongly recommend the use of already developed materials and programs, such as the Connecticut RiverSmart/LakeSmart/SwampSmart program (https://www.riversmartct.org/). We would also like to see more details about how neighborhood rain gardens will be utilized, as these can be extremely effective tools for both stormwater runoff mitigation and public education and outreach. The proposed neighborhood rain garden program for the three priority neighborhoods is a great idea and we are eager to see that implemented.

We appreciate the opportunity to comment on these *Draft* Bantam Lake Watershed documents, and we look forward to continued partnership with CT DEEP and other stakeholders to improve the health of Bantam Lake, the Shepaug River and downstream waters. We would be happy to discuss these comments in more detail; our contact information is in our title blocks, below.

Sincerely,

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