



United States Department of the Interior

U. S. GEOLOGICAL SURVEY
Eastern Ecological Science Center
S.O. Conte Anadromous Fish Research Center
1 Migratory Way, Turner Falls, MA 01376

May 29, 2026

To: Maureen Pollock
Planning Director
Town of Montague
Department of Planning & Conservation
1 Avenue A
Turners Falls, MA 01376

Re: Request to Amend an Order of Conditions (DWW Policy 85-4)

Ms. Pollock:

The U. S. Geological Survey (USGS) respectfully requests that the Montague Conservation Commission reconsider the special conditions required by the Order of Conditions (OOC) issued to the Conte Anadromous Fish Laboratory (MassDEP File #:229-0270). Specifically, USGS believes that Special Conditions 3 and 5 impose time-of-year (TOY) restrictions not required by either the U.S. Fish and Wildlife Service or Massachusetts Division of Fisheries and Wildlife. Although not specifically stated in the OOC, Special Conditions prevent construction from March 15th - November 15th, limiting construction to the winter season and greatly reducing the period when construction can occur. I have provided USGS reasoning for each Special Condition below.

3. All work shall occur outside of the spawning and early life stage period of state and federally listed species, including but not limited to shad, sturgeon, and eels.

TOY restrictions as found in the Massachusetts Division of Marine Fisheries Technical Report TR-47 is March 15 - November 15. USGS believes this to be an overly burdensome requirement given that no construction will take place in spawning habitats. In a 12/18/25 email from Misty-Anne Marold, Senior Endangered Species Review Biologist for NHESP, she states, "...directional drilling would not require review under the MA Endangered Species Act in this context." She goes on to say, "...in an inadvertent release of drill fluid, ...that may raise some concerns."

As only the short nosed sturgeon is protected under the Massachusetts Endangered Species Act (MESA), it is our understanding that Ms. Marold was not requiring these TOY restrictions for species under Natural Heritage and Endangered Species Program (NHESP) purview but simply providing additional guidance beyond what MESA requires. Please consider removing Special Condition 3.

5. All work shall occur outside of the growing season to limit and/or prevent negative impacts to state and federally listed rare plant species.

USGS starts again with the basis of Ms. Marold's statement, "...directional drilling would not require review under the MA Endangered Species Act in this context". With respect to rare plants, she goes on to say, "...efforts to control it (i.e. drill fluid, erosion) in the water would raise concerns", implying aquatic plants. We emphasize that USGS requires frac out plans and best management practices of their contractors. These safeguards are designed to keep drilling fluids and erosion from reaching surface waters and aquatic habitats. Eliminating the 125-day growing season (approximately March 19 - September 21, for USDA Plant Hardiness Zone 6a) for a terrestrial project that provides safeguards to prevent impacts to aquatic habitats, presents an unnecessary restriction on construction dates. Please consider removing Special Condition 5.

USGS recognizes that Special Condition 4 contains the requirement that NHESP be notified in the event of a frac out, re-opening consultation and allowing NHESP to provide project guidance determined to be unnecessary at this time.

Thanks for your consideration,

Sincerely,



Jordan D. Sizemore, REM
Environmental Protection Specialist
Environmental Management Branch
U.S. Geological Survey
360-929-0783
jsizemore@usgs.gov