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651 Green Street
Cambridge, MA 2139
November 1, 2001

2001 NOV -1 PM 2:25

The Cambridge City Council
City Hall, 795 Massachusetts Avenue
Cambridge, MA 02130

To the Honorable, the Cambridge City Council:

Enclosed please find a copy of my letter, with attachments, to MEPA, dated October 30, 2001, regarding the MBTA Urban Ring Proposal, Scoping Session, and Expanded ENF (July 2001).

As our elected representatives, you should be aware of unremedied crimes against the environment in our city, done in anticipation of the MEPA review now underway for the Urban Ring Phase 2. Despite repeated requests, agencies of this city, including the Council and the Conservation Commission, have failed to address these crimes.

The goals of the Urban Ring are excellent. You may know, however, that Phase 2 resurrects the Inner Belt highway in the guise of Bus Rapid Transit. Bus Rapid Transit Routes 4 and 5 would connect the Massachusetts Turnpike directly to Cambridgeport and Main Street via a new off-ramp, crossing the Charles River at the BU Bridge on a reconstructed rail bridge. These BRT routes would connect to others at Lechmere through East Cambridge. Like the Ted Williams Tunnel, they would be suitable for all vehicles.

Yours sincerely,



Marilyn Wellons

encl.

6
651 Green Street
Cambridge, MA 02139
October 30, 2001

MEPA
251 Causeway Street
Suite 900
Boston, MA 02114
ATTN: Ms. LeAndrea Dames

Re: MBTA Urban Ring Proposal; Scoping Session, October 3, 2001, and Expanded ENF, July 2001

Dear Ms. Dames:

At the Scoping Session I called your attention to the wildlife sanctuary on MDC parkland on the Charles River in Cambridge that will be affected by Phase 2 of the MBTA's Urban Ring (and by Phase 3, Alternative B as well). I focused on the area destroyed after June 1, 1999, in anticipation of MEPA's environmental review, by combined actions of the Metropolitan District Commission and Boston University, using plans originally drawn by the City of Cambridge. This is a triangular area within the larger sanctuary, bounded by the Charles River, the BU Bridge, Memorial Drive, and the Grand Junction railroad.

More exact boundaries of the wildlife sanctuary and the triangular area within it are given in the enclosed copy of a letter to you from Robert J. LaTremouille and dated October 25, 2001. As you know, that letter includes an MDC planning map from 1999 for reference.

The MBTA's Expanded ENF, dated July 2001, asks you to ignore both the sanctuary and the MDC/BU's pre-emptive destruction of the triangular area. This was a densely vegetated, richly diverse habitat prior to June 1, 1999. Red-tailed hawks, the Charles River White Geese, and untold other species of birds nested there, together with other, uninventoried animals. Herons fished at the water's edge, with the plants there for cover. It was a remarkable urban wild: remote for the animals, yet smack dab against the BU Bridge and Memorial Drive.

In anticipation of your review, the MDC and Boston University destroyed this habitat. After June 1, 1999, persons working in concert with proponents of the project under review cleared the area, treated it with herbicides, changed the grade within one hundred feet of the river, and installed a walk and stairs through it. Since then they have extended the destruction and continued to destroy plants within one hundred feet of the river.

In addition, in March, 2001, a tracked vehicle destroyed trees within one hundred feet of the river, along the line of rail intended as the route for BRT4 and BRT5.

To accept the Expanded ENF's assessment of existing conditions for the river crossing of BRT4 and BRT5 would frustrate the purpose of your review and reward the MDC and BU for their actions, themselves taken in violation of state environmental law, as explained below in the discussion of the Cambridge Conservation Commission. Were your office to accept the ENF's assessment, it would indicate contempt of the MEPA by the agency established to enforce it.

In particular, the ENF's number for "New acres of land altered" for Phase 2 in the Summary on p. 2 is zero. Further, the entry on p. 4, "Estimated Habitat of Rare Species, . . . Exemplary Natural Communities," indicates there are none. Similarly, at the entry for "Areas of Critical Environmental Concern," same page, "No" is checked. Consequently, important substantive sections of the ENF are not filled in.

The Summary's entries do not reflect the situation as of June 1, 1999 because of the deliberate acts mentioned above. No qualified person inventoried the area for rare species or natural communities before it was destroyed.

I enclose a partial list of plants that grew in this destroyed nesting area, submitted to the Cambridge City Council at its meeting June 19, 2000. You can see that the plants supported a wide range of insects, birds, and other animals.

Also enclosed is a copy of a painting by a young man who spent time in the nesting area before it was destroyed; he once came upon a hawk eating a rat there. He has pictured the walk and stairs built by the MDC/BU in October 1999 for reference only. By the time they were installed, hawks, rodents, herons, songbirds, strawberries, blackberry bushes, grass, and trees were gone. You can see the devastation and erosion of this little urban wild in the enclosed photos of the area in March, 2000.

The only animals remaining in this area are the Charles River White Geese, who have returned to it for two nesting seasons after its destruction. Of all the free animals that lived there, the White Geese are most tolerant of humans. They are a unique natural resource, a flock whose social structure and nesting habits provide lessons in ethology, whose sociability delights children and adults.

Mr. LaTremouille's letter describes how the White Geese have been the targets of a campaign to rid the area of all trace of life. Proponents of the Urban Ring's Phase 2 and Phase 3B want these animals gone. They have deliberately exposed the White Geese to criminal human cruelty when the geese are nesting and most vulnerable; the MDC's Director of Plans acknowledged this to me in a conversation in February, 2000.

The Urban Ring Phase 2's BRT4 and BRT5 would use the Destroyed Nesting Area as a staging area for construction of the off-ramp from the Massachusetts Turnpike to Cambridgeport. Phase 3B would use it for construction of the tunnel under the Charles. Again, this area's status as an urban wild prior to June 1, 1999, not its current, pre-emptively created desolation, must be the starting point for assessing the environmental impact of these projects.

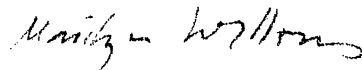
The Cambridge Conservation Commission has failed to enforce environmental law protecting the White Geese and other animals and plants in this urban wild. The MDC/BU's original destruction of the nesting area began before the CCC even heard the MDC's request for what was described in the NOI as limited clearing. Through negligence or design, the CCC failed to note the White Geese and other animals there, that Boston University would do the work for the MDC, that the work exceeded the permission granted, and that the MDC has continued to flout the laws protecting riverbanks there. The destroyed nesting area remains an open sore, unremedied by the CCC. That agency has also failed to note or follow up on the unpermitted destruction along the line of rail, described above.

These deliberate attacks on the environment and failures to protect riverfront habitat are a scandal.

MEPA would cynically compound the scandal by accepting the ENF as submitted in the matter of the Urban Ring Phase 2's BRT4 and BRT5 and Phase 3's Alternative B.

Faithfully to enforce the law, MEPA should recognize the wildlife sanctuary on the north side of the Charles River, on either side of the BU Bridge in Cambridge, and assess the impact of the project in question on it in its entirety. MEPA should set its review of this area to begin June 1, 1999, not as of the date of the Expanded ENF. To do otherwise would be mockery of the law.

Yours sincerely,



Marilyn Wellons

BY HAND

CC Mr. Peter Calcaterra, Project Manager
Massachusetts Bay Transportation Authority
10 Park Plaza, Room 5750
Boston, MA 02116
BY HAND

Attachments: letter, Robert J. LaTremouille to MEPA, October 25 2001, with MDC map memorandum, Marilyn Wellons to Cambridge City Council, June 10, 2000
painting of destroyed nesting area, ca. March, 2000
photographs of destroyed nesting area, March, 2000
photographs of MDC sign on eastbound side of Memorial Drive between Hyatt Regency Hotel and BU Boathouse, 2000 and 2001

Robert J. La Trémouille

875 Massachusetts Avenue, #31
Post Office Box 391412
Cambridge, MA 02139-0015
Telephone: 617-491-7181 / 617-576-9780

October 25, 2001

MEPA
251 Causeway Street
Suite 900
Boston, MA 02114
ATTN: Ms. LeAndrea Dames

Mr. Peter C. Calcaterra, Project Manager
Massachusetts Bay Transportation Authority
10 Park Plaza, Room 5750
Boston, MA 02116

CERTIFIED MAIL, RETURN RECEIPT REQUESTED

RE: MBTA Urban Ring Proposal
Scoping Session, October 3, 2001

Gentlemen / Ladies:

This communication is being sent to two addresses because I see two different addresses in the materials passed out at the Scoping Session.

At the Scoping Session, I stated that the MEPA review should include impact on a wildlife sanctuary on the north side of the Charles River and that the review should be retroactive to June 1, 1999 with regard to the most sensitive part of that wildlife sanctuary. Persons working in concert with proponents of the project have already begun work on the project in that area. It would be a mockery of the law requiring environmental review for MEPA to ignore significant actions, taken by the project's proponents in anticipation of the review, pre-emptively to destroy the wildlife sanctuary and thus frustrate the purpose of the review.

The wildlife sanctuary, occupied by the Charles River White Geese and other free animals since 1981 is bounded as follows:

On the North by the Southern sideline of Memorial Drive.
On the East by a line parallel to, east of, and one-half mile distant from, the eastern sideline of the BU Bridge.
On the South by the Boston - Cambridge boundary, located in the middle of the Charles River.
On the West by a line parallel to, west of, and one-half mile distant from, the western sideline of the BU Bridge.

The area in which work has already commenced is a triangular area bounded as follows:

On the West by the eastern sideline of the BU Bridge.
On the North by the Southern side of Memorial Drive.
On the East, Southeast and South by a line parallel to, East of, and 15 feet distant from, the Eastern Sideline of the railroad property referred to as the Grand Junction railroad.

This is the nesting area of the Charles River White Geese.

Enclosed is a planning map obtained from the Metropolitan District Commission in August 1999. This map shows the Destroyed Nesting Area of the Charles River White Geese in detail. The BU Bridge is shown in the lower left corner. It runs almost exactly north - south. The open area to the right and bottom is the Charles River. The two lines extending into the Charles River are the railroad area in question.

In August 1999, the pathways shown on the planning map did not exist. A fence ran along the sidewalk which abutted the area. The fence started from the BU Bridge. It ran around the on-ramp to Memorial Drive and continued to Memorial Drive. It enclosed the entire area and restricted public access to the area.

Except for the railroad track, the area was undeveloped and ecologically sound, including significant wetlands. The area was used in the spring by the Charles River White Geese and other free animals, including red-tailed hawks, for nesting.

In spring or Summer 1999, a line of hay bales were stretched across the Destroyed Nesting Area parallel to the river and parallel to the on ramp, between the BU Bridge and the wooded area west of the railroad tracks. At that time, people were told that work would be done between the hay bales and the on ramp.

Most of the area west of the railroad tracks was cut and regraded in October 1999. Openings were created in the fence. All vegetation was destroyed except for the areas closest to the railroad tracks and the Charles River. Further work since October 2000 has destroyed even ground cover in these latter areas. The hay bales were moved at this time to a distance of about 25 feet from the river. The new line was more curved, corresponding to the curve of the river bank. The area within 25 feet of the river was not touched, nor was the area under the trees by the railroad tracks.

These actions were condemned by the Cambridge Conservation Commission as violative of its order on the matter in October 1999.

I personally observed commencement of work on the day of the hearing prior to the hearing. The area was permitted to regrow. It was shown to the Cambridge Conservation Commission in October 2000, and promptly cut thereafter, including destruction in the final 25 feet. Subsequently vegetation has been extensively cleared in the last 25 feet and in the area under the trees next to the railroad tracks.

In March, 2001, a tracked vehicle pushed over large trees. These trees grew between the existing railroad track and the steep bank which supports the railroad track to the East.

The Charles River White Geese have lived in this wildlife sanctuary since 1981. They have migrated within this mile long area, living in the Nesting Area from approximately March to June, and in the balance of the area during the rest of the year. They currently number approximately 85.

85 has been pretty much the maximum population of the gaggle during the two years in which I have closely followed the Charles River White Geese. The gaggle consists mostly of geese with characteristics of White China Geese or Emden Geese. There is one female with Brown China Goose traits who sprang from white geese. Her sire was the since murdered leader of the gaggle, a White China. The nature of her mother is not known, except that she was white. There has been considerable interbreeding. A mated pair of brown Toulouse Geese joined the gaggle in Fall 2000.

There have been a number of vicious murders this year. The most obvious were of hens sitting on their nests. These killings directly comport with the destruction of protective vegetation. A discussion with the Director of Planning in early 2000 indicated that she was well aware that she was exposing the Charles River White Geese to predators, including human predators, by destroying the vegetation. She indicated pleasure at the situation.

The leader of the gaggle was murdered and his body mutilated on July 15, 2001, clearly for political reasons.

There have been many beatings than killings.

Informal discussions with State Police have indicated their lack of awareness of significant instances of harm to the Charles River White Geese prior to commencement of development activities.

It would appear quite likely that about 10 left the area to form their own flock in spring 2000 when they discovered that the Nesting Area had been destroyed.

The gaggle has attempted to continue nesting in the area. The damage since October 2000 has been so severe that they were able to make nests in Spring 2001 only because friendly humans have brought hay to them.

The nests they made were destroyed in two concerted actions. Easter week, two nesting hens were killed on their nests. Their bodies were autopsied. At the end of March a third "disappeared" from her nest. A dead tree three geese nested under this year has been ripped to shreds. A large board resting against the BU Bridge under which two broods were hatched this year was removed. Both mother geese nesting under that board "disappeared" within a day of the hatchings, leaving their offspring motherless. A large percentage of the orphaned goslings died. Other females eventually adopted the survivors.

At the latter time of destruction of nests, particularly nasty beatings occurred. The Brown China was seen with her eggs broken over her body. The female Toulouse had two nests destroyed. When the leader was killed five other geese were beaten, including one knifing and, once again at that time, the Brown China female was severely beaten.

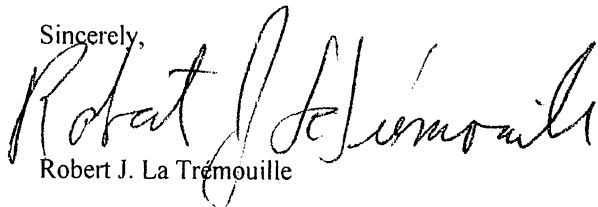
The Destroyed Nesting Area of the Charles River White Geese would be used for staging activities for the proposed off-ramp to the Massachusetts Turnpike in Phase 2 of the Urban Ring, or staging for a Charles River subway crossing near the BU Bridge, (one of two options) in Phase 3. Consequently the area should included in the review retroactive to June 1, 1999.

The railroad track and the steep bank supporting it should also be included in the area of accomplished work effort because of actions by a tracked vehicle in March 2001. The tracked vehicle pushed trees, growing next to the railroad tracks, over on to the steep bank. The trees were growing in the direct path of the proposed off ramp from the Massachusetts Turnpike.

In summary

- (1) A wildlife sanctuary should be recognized and impact evaluated as stated.
- (2) Commencement of effort in the Destroyed Nesting Area should be set at and review be accomplished retroactive to June 1, 1999, as stated.

Sincerely,



Robert J. La Tremouille

Atch: As stated.



D.U.

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To the Honorable, the Cambridge City Council:

**re: PLANTS ERADICATED AT THE GOOSE MEADOW, MDC STATE PARKLAND
IN CAMBRIDGE, MA., October, 1999**

(All citations from the Audubon Society *Field Guide to North American Trees*, Eastern Region, (c1980), and the Audubon Society *Field Guide to North American Wildflowers*, Eastern Region, (c1979), supplemented with data from *Wyman's Gardening Encyclopedia*, (c1977), given in brackets.

Blackberries (*Rubus* sp.), native to North America. The "... Blackberries are among the most important summer foods for songbirds and gamebirds, as well as for many mammals" (*Wildflowers*, p. 759).

Peach tree (*Prunus persica*), native of China. "Naturalized locally in E. United States, ..." "Peach has been grown as a fruit tree since ancient times. ... Spanish colonists introduced the Peach into Florida, and American Indians then planted it widely" (*Trees*, p. 505).

Wild strawberries (*Fragraria virginiana*), [native]. "Found in patches in fields and dry openings, this plant produces the finest, sweetest, wild strawberry" (*Wildflowers*, p. 749).

Apple tree (*Malus sylvestris*), native of Europe and W. Asia. "The Apple has been cultivated since ancient times. ... for nearly fifty years Jonathan Chapman (1774-1845), better known as Johnny Appleseed, traveling mostly on foot, distributed apple seeds to everybody he met. ... Wildlife consume quantities of fallen fruit after harvest" (*Trees*, pp. 491-92).

Sumac trees (*Rhus glabra*), easily confused with Ailanthus. "The only shrub or tree species native to all 48 contiguous states. ... Raw young sprouts were eaten by the Indians as salad. The sour fruit, mostly seed, can be chewed to quench thirst or prepared as a drink similar to lemonade. It is also consumed by birds of many kinds and small mammals mainly in winter" (*Trees*, pp. 548-49).

Queen Anne's Lace (*Daucus carota*), [Europe]. "An attractive, hairy biennial, ... [i]t was the ancestor of the garden carrot, and its long, first-year taproot can be cooked and eaten." (*Wildflowers*, p. 330).

Mullein (*Verbascum thapsus*), [Europe]. "An introduced biennial with very velvety leaves, it has long been used for many purposes. Roman soldiers are said to have dipped the stalks in grease for use as torches. The leaves are still used as wicks in some areas. Indians lined their moccasins with the leaves to keep out the cold, and colonists used them in their stockings for the same purpose. A tea made from the leaves was used to treat colds, and the flowers and roots were employed to treat various ailments from earaches to croup. The leaves are sometimes applied to the skin to sooth sunburn and other inflammations" (*Wildflowers*, p. 798).

Butter-and-Eggs (*Linaria vulgaris*), [Europe and Asia]. "This European introduction grows well in dry sites An orange path on the lower lip leads to nectar contained in the long spur and serves as a 'honey guide' for insects. Experiments with hawk moths indicated that the moths will try to stick their tongues into flowers pressed between glass; tongue marks on the glass coincide with the orange honey guide. Even a honey guide cut out and placed on other flowers will attract the moths." (*Wildflowers*, pp. 789-90).

Ladies' Thumb (*Polygonum persicaria*), [Europe]. "The dark green splotch in the center of the leaf was apparently thought to resemble a lady's thumbprint" (*Wildflowers*, p. 708).

Evening Primrose (*Oenothera biennis*), [Eastern U.S.]. ". . . The roots are edible, and the seeds are important as bird feed" (*Wildflowers*, p. 644).

Yellow Hawkweed (*Hieracium pratense*) [Europe]. Distinguished from orange hawkweed mainly by color, both are from Europe. Farmers consider them weeds; "New England meadows covered with a mixture of both flowers, however, are a beautiful sight" (*Wildflowers*, p. 389).

We know that a nesting pair of red-tailed hawks and, apparently, hawkmoths, as well as untold bird species other than the Charles River white geese, used the "overgrown" goose meadow before its destruction by the MDC (the state park authority) and Boston University, using plans originally drawn by the City of Cambridge's Development Department.

The Cambridge Conservation Commission knew nothing of the destruction of this habitat, nor of the change of grade that took place within one hundred feet of the river, as part of the work done here.

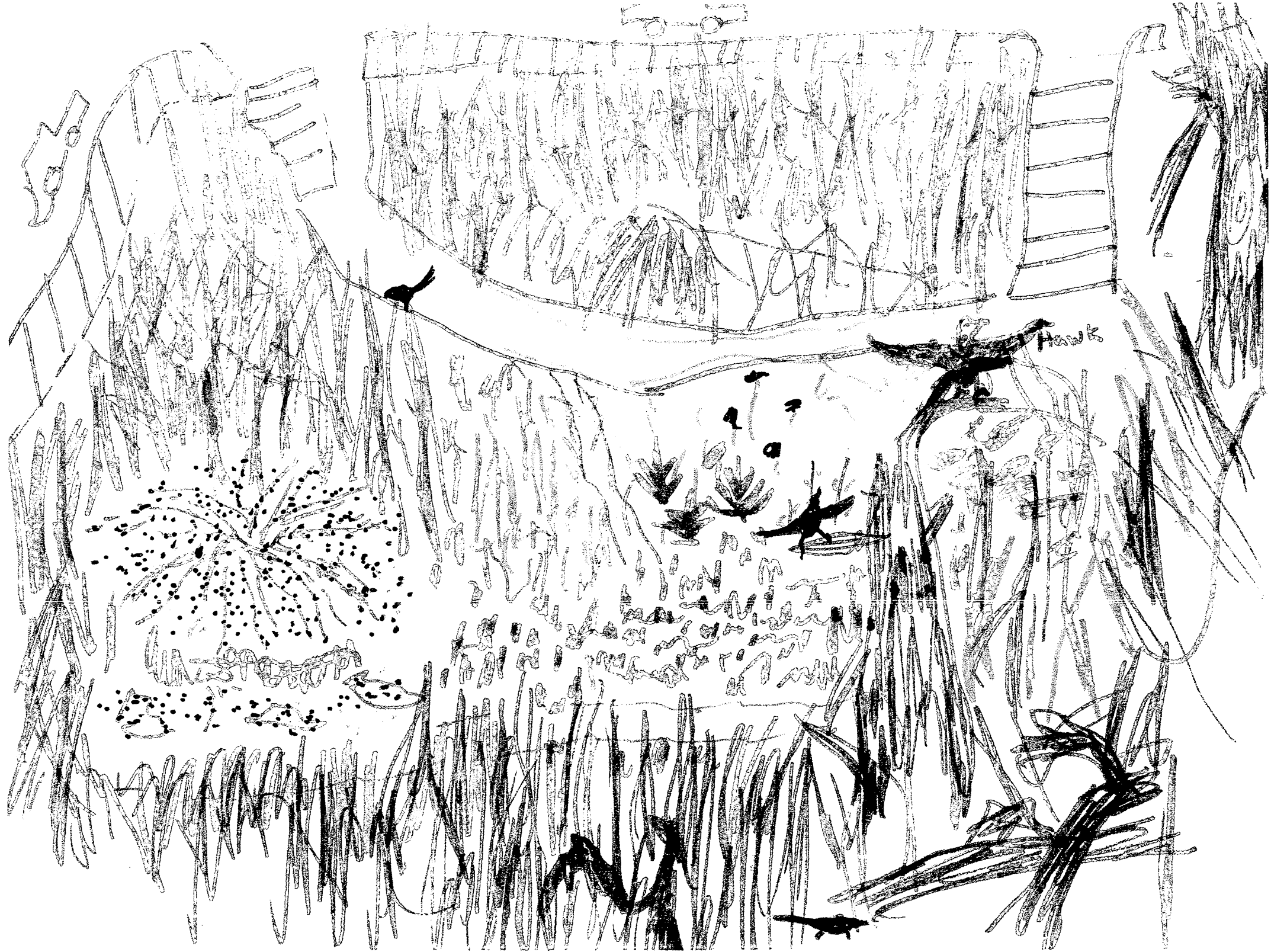
Further destruction of the remaining riverfront habitat of the geese and their fellow creatures here will be carried out according to plans for the redevelopment of Magazine Beach, due to begin in the spring of 2001, using \$1.5 million voted by the Cambridge City Council. This sum is included in Attachment A in the City Manager's report to the Public Facilities, Art and Celebrations Committee, June 19, 2000. It appears as part of the FY 2000 Capital Open Space Plan.

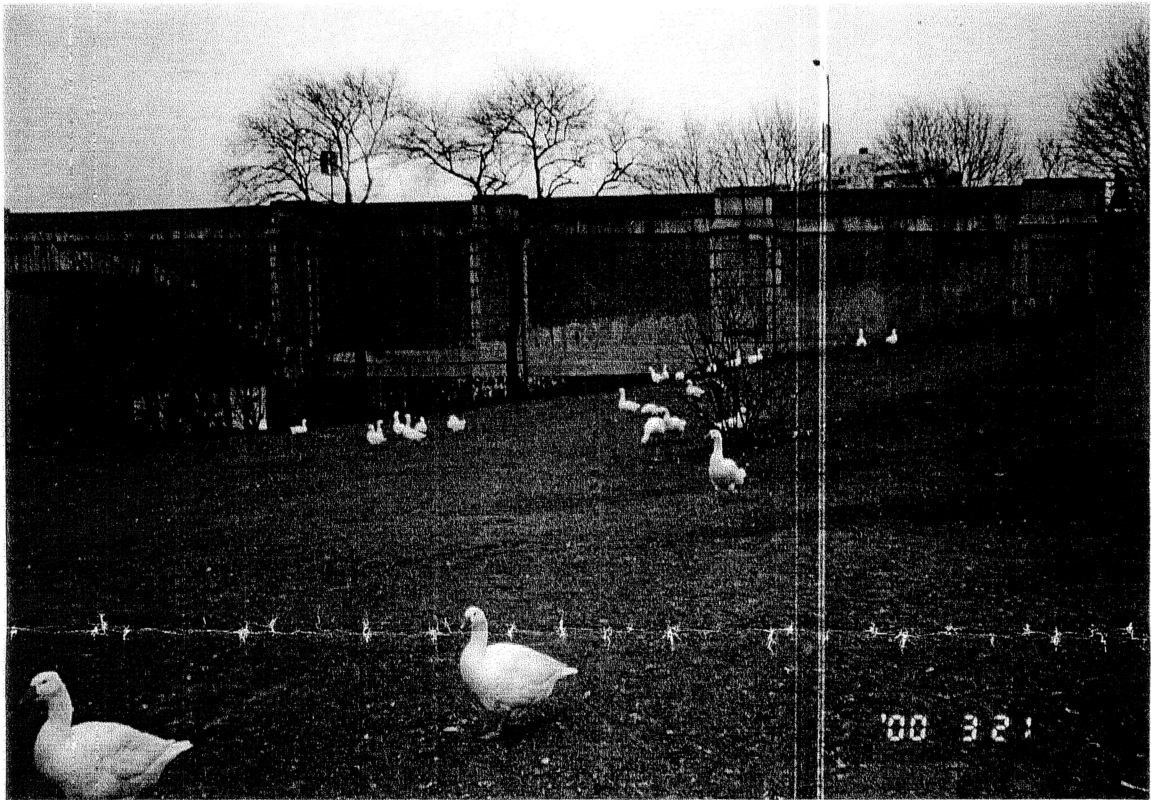
I do not believe City Councillors knew when they voted these funds that they would be used to complete the destruction of the little urban wild the Charles River white geese and their fellow creatures constituted. Now, however, the Council knows the connection between these funds and the fate of these animals and this habitat.

Yours sincerely,

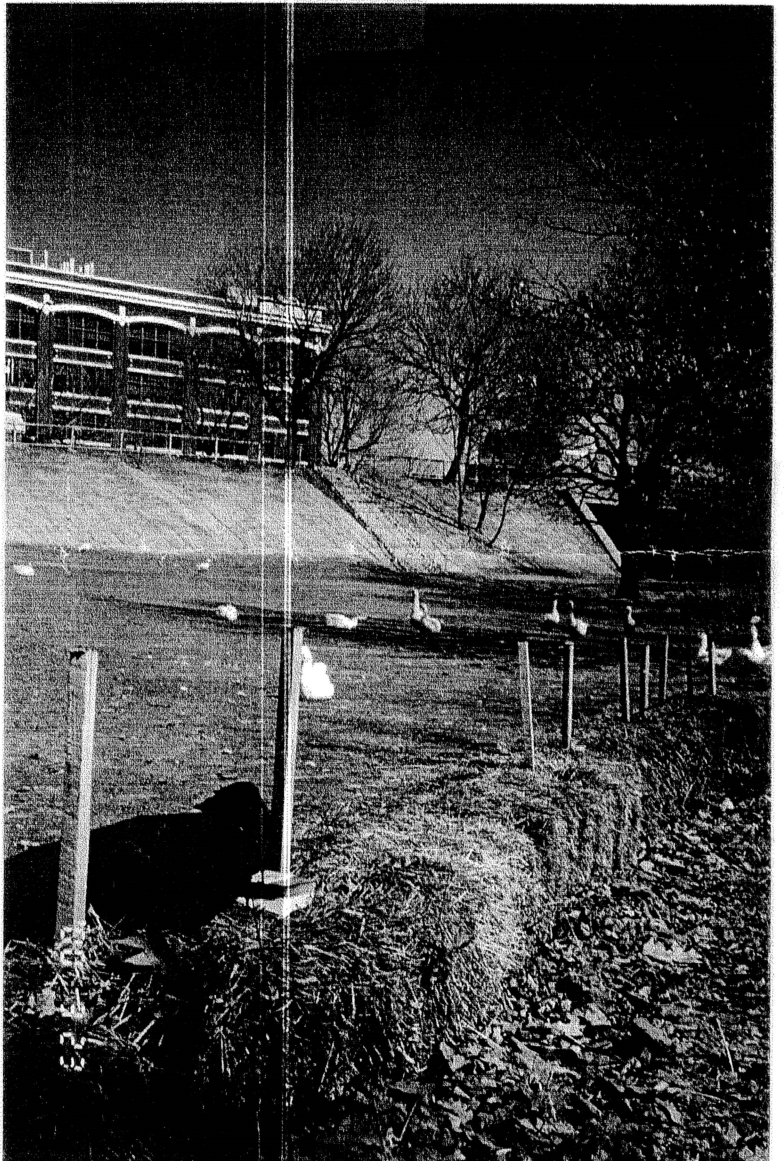
Marilyn Wellons
Marilyn Wellons
651 Green Street
Cambridge, MA 02139

June 19, 2000





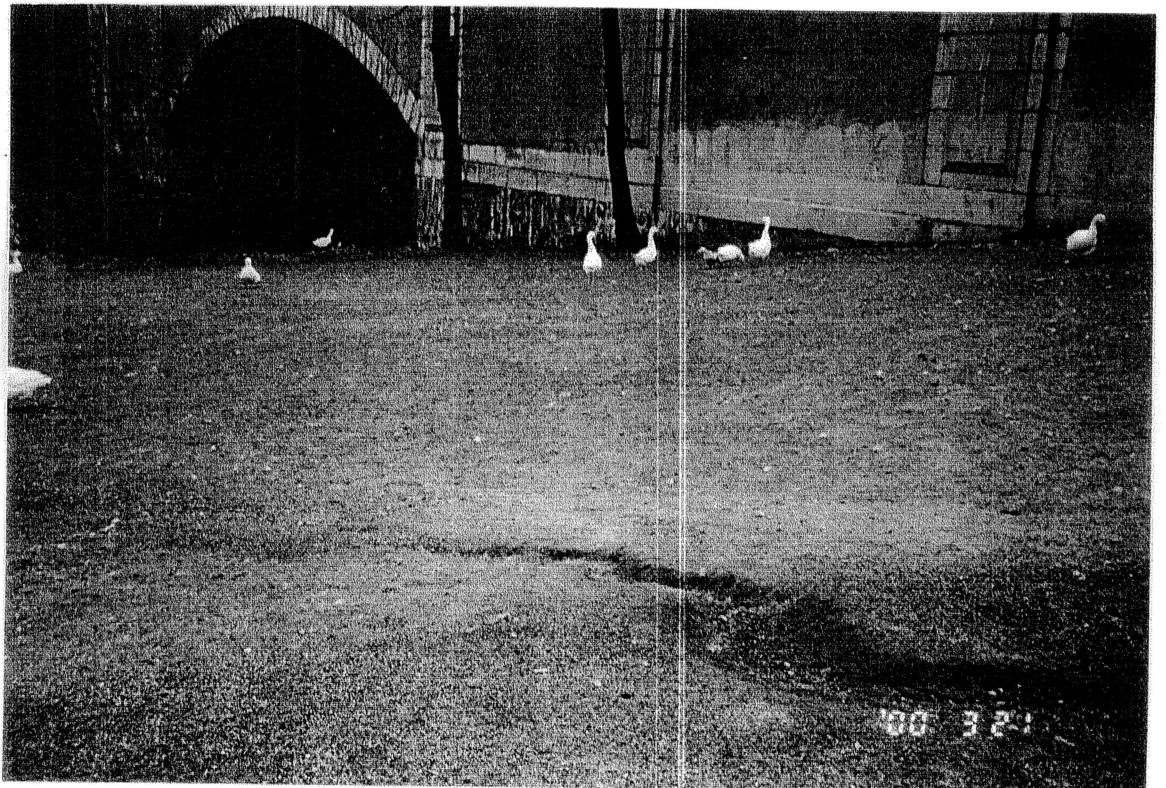
DESTROYED
GOOSE MEADOW,
BU BRIDGE



DESTROYED
GOOSE MEADOW,
MEMORIAL DRIVE



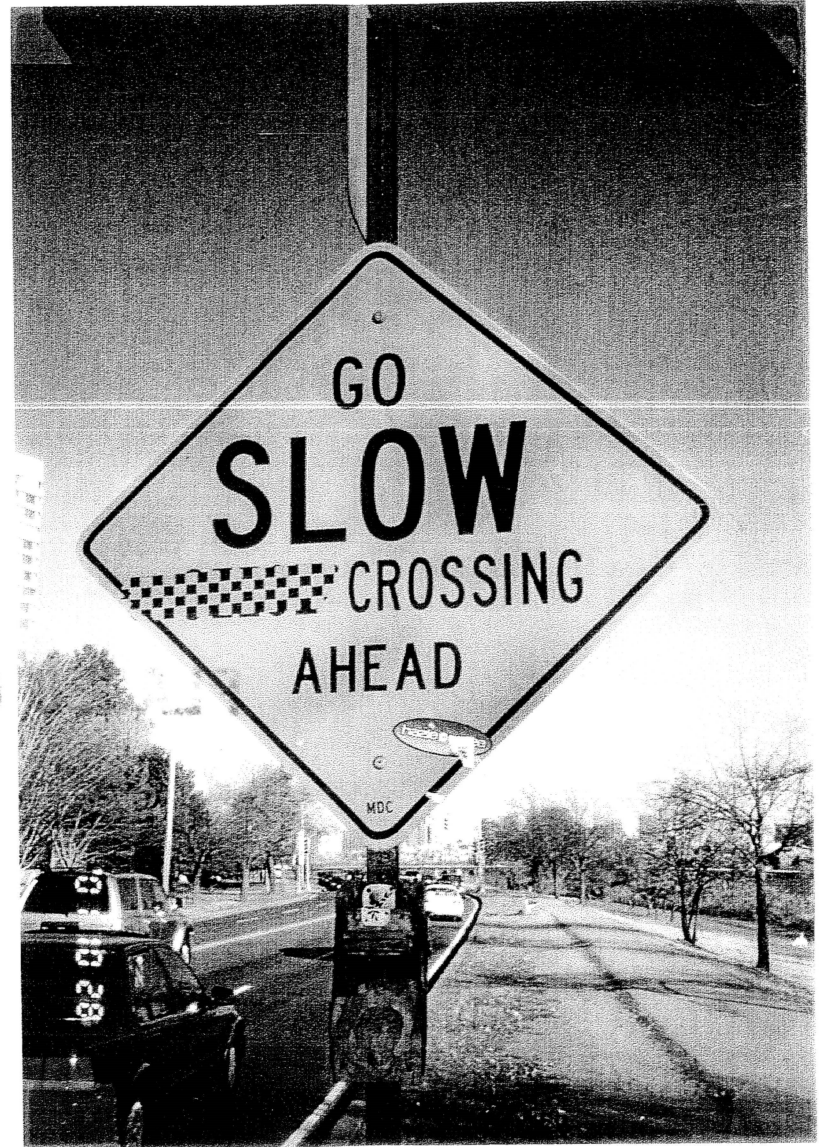
Erosion from walkway



100 3 21



Feb. 26, 2000



Oct. 28, 2001

3925

Consent Communication #6

A communication was received from Marilyn Wellons, regarding the MBTA Urban Ring Proposal, Scoping Session, and Expanded ENF (July 2001).

In City Council November 5, 2001

PLACED ON FILE