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May 4, 2018

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
ON THE
NOTICE OF PROJECT CHANGE

PROJECT NAME	: Swansea Waterfront Revitalization
PROJECT MUNICIPALITY	: Swansea
PROJECT WATERSHED	: Taunton River
EEA NUMBER	: 15511
PROJECT PROPONENT	: Town of Swansea
DATE NOTICED IN MONITOR	: N/A

Pursuant to the Massachusetts Environmental Policy Act (MEPA) (M.G. L. c. 30, ss. 61-62I) and Section 11.10(6) of the MEPA regulations (301 CMR 11.00), I hereby determine that this project change is insignificant and does not require a Supplemental Environmental Impact Report (EIR).

The project change results from consultation with State and Federal officials to reduce impacts to essential fish habitat and shellfish habitat, reduce shoaling, and decrease the frequency of required maintenance dredging. It includes a decrease in the beach nourishment footprint, a reduction in the proposed dredge depth within the Cole River Channel, and revisions to the proposed dredge footprint.

Original Project Description

As previously described in the Single EIR, the original project consisted of the hydraulic dredging of approximately 350,000 square feet (sf) of the Cole River channel and removal of an estimated 18,200 cubic yards (cy) of marine sediment; consisting of a combination of maintenance and improvement dredging. The dredge area extended along 3,025-linear feet (lf) of the Cole River and included the full channel width (100-feet (ft)). The majority of the dredging was located within a historically permitted dredge footprint; however, the project proposed to increase the dredge depth from

the currently permitted -7 ft Mean Low Water (MLW) (equivalent to -9.2 ft North American Vertical Datum of 1988 (NAVD 88)) to -11 feet NAVD 88. The additional depth was proposed to provide capacity for the accumulation of sediment; thereby reducing the frequency of dredging and associated temporary impacts.

The project also included use of the dredged material as beach nourishment and dune restoration on the adjacent Town Beach. Hydraulically dredged sediment would be pumped and deposited along the eroded face of the existing dune system and graded to achieve the final design profile. The landward slope would be planted with American Beach Grass and existing invasive species would be removed. The project included annual beach nourishment of approximately 2,000 cy per year of suitable sand from an upland location. The material would be trucked to the site and a vehicle ramp would be constructed to support annual nourishment. The volume of sediment was based on the estimate of sand that is eroded from the beach annually. The project also would have included demolition and replacement of a beachfront building with new buildings for lifeguard offices, a concession stand, function pavilion, new playground, shade shelter, new boardwalks and improved parking areas.

I issued a Certificate on the Single EIR on August 26, 2016 which determined that it adequately and properly complied with MEPA and its implementing regulations.

Project Site

The Swansea Town Beach is an active waterfront that provides public beach access in addition to supporting shell fishing and recreational boating activities on the Cole River. A boat ramp located proximate to the project site is owned by the Massachusetts Office of Fishing and Boating. The Cole River is used by recreational boaters and commercial fishermen to access Mount Hope Bay and Narragansett Bay. The Cole River Dredging Project (EEA# 10228), completed in 1997, consisted of dredging the channel to a design depth of -9.2 NAVD 88 with a one-foot overdredge allowance (-10.2 NAVD 88). A hydrographic survey of the Cole River performed in April 2015 indicated that the channel is shallower than the design depth for the majority of its length. Town Beach is characterized by dunes which slope downward to elevation 3.5 NAVD 88 at the beach. The dunes were re-established with sediment from the Cole River Channel as part of the 1997 dredging and beach nourishment project.

The site is a barrier beach and the entire project site is located within a designated Velocity Zone (VE Zone) or AE floodplain area as depicted on the July 16, 2014 Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Map (FIRM) for Bristol County (Map Number 25005C0327G). Mount Hope Bay and the Cole River are located in *Priority* and/or *Estimated Habitat* as mapped in the most recent Natural Heritage Atlas (14th edition). Mount Hope Bay and the Cole River are also conditionally approved for shell fishing and are mapped as suitable shellfish habitat. Cole River is also mapped as a fish run.

Jurisdiction and Permitting

The original project required submittal of a Mandatory EIR pursuant to 301 CMR 11.03(3)(a)(1)(b) of the MEPA regulations because it required State Agency Actions and would alter ten or more acres of wetlands. It required a Section 401 Water Quality Certification (401 WQC) and a Chapter 91 (c. 91) Permit from the Massachusetts Department of Environmental Protection (MassDEP).

It also required a filing to the Natural Heritage and Endangered Species Program (NHESP) in accordance with the Massachusetts Endangered Species Act (MESA).

The original project required an Order of Conditions from the Swansea Conservation Commission (or in the case of an appeal, a Superseding Order of Conditions from MassDEP) and an Individual Permit from the United States Army Corps of Engineers (ACOE) in accordance with Section 404 of the Federal Clean Water Act (CWA). The project was also subject to Federal Consistency Review by the Massachusetts Office of Coastal Zone Management (CZM).

The project change does not meet or exceed any new MEPA review thresholds nor does it require any new State Permits that were not previously identified. It will require an amended combined c.91 Permit and 401 WQC (BRP WW 26) from MassDEP and it may require additional MESA review from the NHESP. It will require an amended Order of Conditions from the Swansea Conservation Commission. It continues to require an Individual Permit from the ACOE and remains subject to Federal Consistency Review by CZM.

Because the project includes State Financial Assistance in the form of a grant from the Massachusetts Seaport Economic Council, MEPA jurisdiction is broad in scope and extends to all aspects of the project that are likely, directly or indirectly, to cause Damage to the Environment, as defined in the MEPA regulations.

Project Change Description

The NPC included a description of the proposed changes, a comparison of these changes to the project as previously reviewed, and existing and proposed conditions plans. As described in the NPC and supplemental information[1] provided by the Proponent, proposed changes generally include a decrease in the beach nourishment footprint, a reduction in dredge depth within the Cole River Channel, and revisions to the proposed dredge footprint. Specifically, project changes include the following:

- Elimination of 19,500 sf of beach nourishment comprised of approximately 150 lf located at eastern end of nourishment area;
- Reduced dredge depth within the Cole River Channel to the historically permitted footprint and dredge depth of -9.2 ft NAVD88 with a 1-ft overdredge allowance (-10.2 ft NAVD88);
- Elimination of 64,800 sf of the dredge footprint within the northern section of the Cole River Channel (north of the boat ramp and Station 35+00); and
- Expansion of the dredge footprint to include 115,259 sf of a shoal that has accumulated adjacent to the east side of the Cole River Channel. The shoal will be dredged to a depth of -7 ft NAVD88 from Sta. 6+50 to 20+50 and to a depth of -8 ft NAVD88 from Sta. 21+00 to 31+00 with a 1-ft overdredge allowance (-8 ft and -9 ft NAVD88, respectively) which will remove approximately 9,610 cy of sediment.

The revised project will remove a total of 18,260 cy of sediment; consisting of 8,650 cy of maintenance dredging (from within the Cole River Channel) and 9,610 cy of improvement dredging

[1]Emails from Jeff Oakes or Courtney Rocha (Foth-CLE Engineering Group) to Page Czepiga (MEPA Office) sent April 24, April 26, April 27, and May 1, 2018. For purposes of clarity, all supplemental materials provided by the Proponent are referred to herein as the NPC unless otherwise referenced.

(from the shoal). The proposed dredge methodology (hydraulic) has not changed and no changes are proposed to the landside components of the project (other than the reduced nourishment footprint).

The NPC indicated that the reduced dredge depth within the Cole River Channel was incorporated based on recommendations from the National Marine Fisheries Service (NMFS) to reduce impacts to essential fish habitat. The dredge area located in the northern section of the Cole River channel was eliminated based on the results of a shellfish survey completed by DMF which identified significant shellfish habitat in this location. The NPC indicated that dredging the shoal will not serve to widen the adjacent channel as the two areas will be dredged to different depths. According to the NPC, dredging the shoal to a shallower depth than the channel will provide an area for down drift sand to settle out before entering the channel. The NPC indicated that this will decrease the frequency of maintenance dredging. The NPC provided grain size analysis and distribution data for the shoal which indicated that the sediment is compatible with the beach material. The NPC indicated that the easternmost beach nourishment area was eliminated from the project based on recommendations from the ACOE. According to the NPC, its location upstream of the direction of the littoral drift made it susceptible to erosion with potential deposition on the shoal rather than the down drift beach.

Environmental Impacts and Mitigation

The NPC included a comparison of environmental impacts between the original project and the proposed project change. As compared to the original project, the project change will decrease impacts to Coastal Beach (reduction of 19,500 sf; 163,500 total sf), Barrier Beach (reduction of 19,500 sf; 215,950 total sf), and Fish Runs (reduction of 50 lf; 3,450 total lf). It will increase impacts to overlapping Land Under the Ocean and Land Containing Shellfish by 51,259 sf (each 496,659 total sf). The project change does not affect impacts to Land Subject to Coastal Storm Flowage (LSCSF) and Coastal Dune. The NPC indicated that the project change is based on continued consultation with State and Federal officials to reduce impacts to essential fish habitat and shellfish habitat, reduce shoaling, and decrease the frequency of required maintenance dredging.

The NPC indicated that no changes are proposed to the mitigation measures as previously identified in the Single EIR. Mitigation measures include designing the project to reduce long-term maintenance requirements; adherence to time-of-year (TOY) restrictions to minimize impacts to state-listed bird species, diadromous fish, winter flounder, and horseshoe crabs; dune restoration and beach grass plantings to stabilize the barrier beach; invasive species management; shellfish survey and potential relocation of shellfish (if warranted); and use of erosion control measures to demarcate the limit of work and prevent siltation of coastal resource areas.

Conclusion

Based on the information presented in the NPC, I find that the proposed project change is insignificant in accordance with the criteria in the MEPA regulations at 301 CMR 11.10(6). The project change will minimize previously disclosed environmental impacts and the cumulative impacts of the project do not meet or exceed any review thresholds that were not previously met or exceeded. Therefore, I hereby determine that no further MEPA review is required.

May 4, 2018
Date

Matthew A. Beaton

MAB/PRC/prc