



# The Commonwealth of Massachusetts

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January 6, 2006

## CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS ON THE ENVIRONMENTAL NOTIFICATION FORM

PROJECT NAME:	M Street Seawall Reconstruction Final Action Plan
PROJECT LOCATION:	South Boston
EOEA NUMBER:	13688
PROJECT PROPONENT:	MA Department of Conservation and Recreation, Planning & Engineering Division
DATE NOTICED IN MONITOR:	December 7, 2005

Pursuant to the Massachusetts Environmental Policy Act (M.G.L. c. 30, ss. 61-62H) and Section 11.06 of the MEPA Regulations (301 CMR 11.00), I hereby determine that this project **does not require** the preparation of an Environmental Impact Report (EIR).

As presented in the Environmental Notification Form (ENF), the project involves the replacement of 494 +/- linear feet of the M Street Concrete seawall in South Boston. The section of existing concrete seawall to be replaced is failing and has collapsed in two areas. The slope behind the failed wall is experiencing severe erosion due to wave action. The proposed seawall design is a concrete wall set on steel sheet piling foundation. The project also involves the rehabilitation of the Granite Block Bulkhead at Hicks Memorial Park adjacent to the new seawall; replacement of a stairway on an existing beach access-way with a ramp structure; and restoration of the disturbed areas between the M Street seawall and the back of the William J. Day Boulevard sidewalk. The ENF also describes an "Emergency Action Plan" that includes placement of a 23,500 cubic yard (c.y.) sand berm to act as a coffer dam in the short term to minimize/avoid any further damage to the seawall or shoreline erosion and to allow the seawall to be replaced. In the long-term, the material from this berm is intended to nourish the beach system.

The project is undergoing review pursuant to Sections 11.03 (3)(b)(1)(e) and 11.03 (3)(b)(1)(f) of the MEPA regulations because the project involves new fill or a new structure in a velocity zone or regulatory floodway and because the project will result in the alteration of greater than ½ an acre of “any other wetlands”. The project will require approval from the U.S. Army Corps of Engineers (ACOE); a Chapter 91 Waterways License and 401 Water Quality Certification from the Department of Environmental Protection (DEP); Federal Consistency Review from the MA Office of Coastal Zone Management (CZM); and an Order of Conditions from the Boston Conservation Commission. The project is being jointly funded by NSTAR and the Department of Conservation and Recreation (DCR). Because the proponent is an agency of the Commonwealth, MEPA jurisdiction extends to all aspects of the project that may cause significant Damage to the Environment.

On November 15, 2005, the proponent submitted a request for determination to the MEPA office as to whether the installation of a sand coffer dam to remedy the failed section of concrete seawall along M Street Beach would qualify as an Emergency Action pursuant to the MEPA regulations at 310 CMR 11.13. On December 12, 2005, the MEPA office issued a finding that the proposed Emergency Action Plan could commence in the absence of due compliance with MEPA because it is essential to avoid or eliminate an imminent threat to environmental resources and quality, as well as public safety. In addition, the proposed emergency action did not meet any MEPA review thresholds. The proponent then filed the ENF currently under review for the full seawall reconstruction including plans for beach nourishment. The proponent has also received Emergency Certification from the Boston Conservation Commission for the installation of the temporary coffer dam, and is required to file a Notice of Intent for the project.

The proposed fill for the temporary dam and beach nourishment will be placed below Mean High Water (MHW) in the intertidal portions of Dorchester Bay. The volume of sand for the permanent beach nourishment is 20,000 c.y. and the volume required for the temporary cofferdam is 23,000 c.y. It is anticipated that the loss of temporary sand due to winter storms could approach 50%, so the reconstruction project will include 10,000 c.y. of supplemental sand.

The intertidal and shallow subtidal area in the vicinity of the project provides habitat for a variety of marine fisheries species including winter flounder, blue mussels, soft shell clams and razor clams. The proponent has taken samples of sand from the M Street Beach for gradation analysis and had asserted that the sand to be imported for the temporary coffer dam will be compatible with the existing sand. However, the MA Division of Marine Fisheries (DMF) has indicated that the placement of the beach fill material will result in conversion of the current habitat to one of a less diverse, coarser grained sand environment. In order to minimize and avoid impacts to marine fisheries resources and habitats, the proponent should note recommendations from DMF including:

- No in water silt producing activities should be undertaken from February 15 through October 15 in order to protect the spawning and juvenile development of winter flounder and soft shell clams;
- Where possible, work should be conducted from the upland; and
- Best Management Practices (BMPs) should be implemented to reduce impacts from machinery in the intertidal area.

DCR should consult with DMF with regard to appropriate BMPs and other mitigation for impacts to habitat in advance of the placement of the sand coffer dam and the reconstruction of the seawall. The proponent should also work with the Office of Coastal Zone Management (CZM) to develop a contingency plan in case the sand coffer dam fails prior to completion of activity related to the seawall. The Boston Conservation Commission submitted comments to the MEPA office following the proponent's request for approval of the Emergency Action. The proponent and its contractor must adhere to the conditions laid out by the Boston Conservation Commission in their comments of December 13, 2005.

In its comments on the ENF, CZM states that it supports non-structural approaches to coastal hazards reduction as opposed to structural solutions but that the combination of the reconstructed seawall with a beach nourishment program is an appropriate plan of action to address the emergency nature of the seawall collapse. As the site is subject to erosion, and has lost several feet of each elevation in the past decade, long-term monitoring to identify necessary maintenance will be necessary to forestall future emergency situations. I expect that the ACOE and the DEP will address the long-term maintenance and monitoring plans for the site during the permitting process. The proponent has stated that it will develop a Beach Maintenance Plan to serve as the basis for future annual maintenance of the beach from the L Street Bathhouse to the granite block bulkhead.

The Boston Water and Sewer Commission (BWSC) owns and maintains an existing 48" cast iron drain outfall pipe that runs southerly down N Street, crosses William J. Day Boulevard, runs underneath the M Street seawall and discharges into Dorchester Bay. The proposed reconstruction of the failed seawall and placement of beach nourishment will be over the existing outfall pipe. The proponent takes measures to ensure that no damage is done to the outfall pipe as outlined in comments from the BWSC.

Based on a review of the information provided by the proponent and after consultation with relevant public agencies, I find that the potential impacts of this project do not warrant the preparation of an EIR and can be properly addressed in the permitting process. The proponent must also work with CZM to demonstrate that the project meets the performance standards of CZM's enforceable program policies. No further MEPA review is required at this time.

January 6, 2006  
Date

  
Stephen R. Pritchard, Secretary

Comments received:

12/7/2005 Massachusetts Division of Marine Fisheries  
12/8/2005 Office of Coastal Zone Management  
12/13/2005 Boston Conservation Commission  
12/19/2005 Mistry Associates, Inc. for the Proponent

12/20/2005 Office of Coastal Zone Management  
12/29/2005 Boston Water and Sewer Commission

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