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February 22, 2008

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
ON THE
ENVIRONMENTAL NOTIFICATION FORM

PROJECT NAME : Newman Road Salt Marsh Restoration
PROJECT MUNICIPALITY : Newbury
PROJECT WATERSHED : Parker River
EEA NUMBER : 14169
PROJECT PROPONENT : **Newbury** Department of Public Works.
DATE NOTICED IN MONITOR : January 23, 2008

Pursuant to the Massachusetts Environmental Policy Act (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).

The project site encompasses approximately 33 acres of salt marsh and land subject to coastal storm flowage immediately adjacent to and upstream of an existing culvert beneath Newman Road. The proposed salt marsh restoration project consists of replacement of the existing 48-inch diameter culvert with a larger culvert (6 feet x 12 feet) to facilitate a greater exchange of tidal flow into the landward portion of the Newman Road salt marsh. The project has been identified by the Office of Coastal Zone Management as a priority project for its Wetlands Restoration Program, and is a component site for the Draft Great Marsh Coastal Wetlands Restoration Plan. The project is being designed to improve a significant area of coastal resource within the Great Marsh Area of Critical Environmental Concern (ACEC). The restoration of tidal flow in the project area will enhance ecological functioning of the salt marsh, inhibit growth of the invasive *Phragmites australis* (common reed) and reduce scouring associated with constricted flows.

The project will result in alteration of approximately 3,940 square feet (sf) of wetlands impacts, which includes 2,500 sf of temporary salt marsh alteration and 1,440 sf of permanent impact associated with installation of the proposed culvert. The salt marsh and stream located immediately adjacent to the work area will be restored to pre-existing conditions following installation of the expanded culvert.

The project is undergoing MEPA review pursuant to Section 11.03(11)(b) because it is located in an Area of Critical Environmental Concern (ACEC). The project requires a 401 Water Quality Certification and a Chapter 91 License from the Massachusetts Department of Environmental Protection (MassDEP). The project requires an Order of Conditions from the Town of Newbury (and, on appeal only, a Superseding Order from MassDEP). The project requires a MassHighway Bridge Department approval for a culvert larger than 10-feet wide. The project requires a US Army Corps of Engineers Category II Screening Approval and may be subject to Coastal Zone Management (CZM) federal consistency review.

The project will receive financial assistance from the Massachusetts CZM Wetlands Restoration Program. Therefore, MEPA jurisdiction is broad and extends to all aspects of the project that may cause Damage to the Environment as defined in the MEPA regulations.

The project site is located within priority and estimated habitat for the Common Tern (*Sterna hirundo*), a state-listed species of Special Concern. The Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program (NHESP) has determined that the proposed project is exempt from the Massachusetts Endangered Species Act (MESA) pursuant to 321 CMR 10.14. The NHESP has also determined that the project will not adversely affect the actual Resource Area Habitat of state-protected rare wildlife species and that it meets the state-listed species performance standard for the issuance of an Order of Conditions.

As noted in the comment letter from the Department of Conservation and Recreation (DCR) ACEC Program, the water and associated wetlands of the Great Marsh ACEC are designated as Outstanding Resource Waters (ORW). The proponent has committed to erosion control measures during construction to protect resource areas, and to post-construction site stabilization and restoration. As noted in several comment letters received, the project appears to be a well-planned, beneficial project and the proponent has engaged in extensive coordination with state and federal agencies and environmental organizations during the planning phases. The proponent should continue to work with state agencies and other stakeholders to develop a monitoring and evaluation plan that will ensure the long-term success of the project.

According to the Environmental Notification Form (ENF), the project will allow enhanced tidal flushing without causing habitat conversion or upstream property flooding. The proponent should provide additional information to MassDEP during permitting to substantiate this conclusion and to describe the effects of increasing tidal flow on upstream marshes that will drain more than under existing conditions. The ENF indicates that hydrologic modeling or hydraulic analysis was not conducted in selecting culvert size. The proponent will be required to provide additional hydrologic information to MassDEP during permitting as further detailed in the MassDEP comment letter. The ENF recommends a scour analysis to evaluate scour potential at the proposed culvert and design scour prevention measures. The proponent should submit the scour analysis to MassDEP and additional information as required for the alternatives analysis component of the 401 Water Quality Certificate application.

I am satisfied that the ENF has adequately described the general nature of the proposed project and proposed measures to avoid and minimize, or mitigate environmental impacts, and

that any remaining issues can be adequately addressed during the permit process. The proposed project, as described in the ENF, requires no further review under MEPA.

February 22, 2008

DATE



Ian A. Bowles, Secretary

Comments Received:

1/28/08	Division of Fisheries and Wildlife, NHESP
2/12/08	Department of Environmental Protection, Northeast Regional Office
2/12/08	Department of Conservation and Recreation, ACEC Program
2/12/08	MassAudubon
2/14/08	Office of Coastal Zone Management

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