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March 13, 2009

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

PROJECT NAME : Marshfield Town Pier Dredging  
PROJECT MUNICIPALITY : Marshfield  
PROJECT WATERSHED : South Coastal  
EEA NUMBER : 14372  
PROJECT PROPONENT : Town of Marshfield – Department of Public Works  
DATE NOTICED IN MONITOR : February 11, 2009

Pursuant to the Massachusetts Environmental Policy Act (M.G. L. c. 30, ss. 61-62I) 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 described in the Environmental Notification Form (ENF), the project includes the implementation of a dredging program at the Town Pier facility within the inner harbor of Green Harbor in Marshfield. The project is proposed to address shoaling and improve navigation and safety for both commercial and recreational users of the Town Pier facility. The work will consist of dredging the existing boat basin at the Town Pier extending seaward to the 6-foot deep federal anchorage area. Approximately 4,500 cubic yards (cy) of material will be removed from a 34,879 square foot (sf) area, including typical 3H:1V side slopes. Disposal of dredge materials are expected at the Massachusetts Bay Disposal Site (MBDS). The project includes a combination of maintenance and improvement dredging, with a final depth of -6.0 mean low water (MLW) with a one-foot allowable overdredge. The Town of Marshfield is proposing to piggy-back this project on the federal maintenance dredging of the inner harbor anchorage area

to be conducted by the U.S. Army Corps of Engineers (USACE) in Fall 2009-Winter 2010. Anticipated wetland resource area impacts are estimated to include 33,151 sf of Land Under Ocean, 1,728 sf of Coastal Beaches, 34,879 sf of Land Containing Shellfish, and 650 linear feet of Fish Runs.

### Jurisdiction

The project is undergoing MEPA review pursuant to Section 11.03(3)(b)(1)(f) because the project requires a State agency action and will result in alteration of ½ or more acres of other wetlands (Land Under Ocean and Coastal Beach). The project will require a Chapter 91 (c.91) License and Section 401 Water Quality Certificate (401 WQC) from the Massachusetts Department of Environmental Protection (MassDEP) and a Section 404 Permit from the USACE. The project may be subject to Coastal Zone Management (CZM) federal consistency review. The project will also require an Order of Conditions from the Marshfield Conservation Commission.

Because the proponent is not seeking financial assistance from the Commonwealth for the project, MEPA jurisdiction extends to those aspects of the project that may have significant environmental impacts and that are within the subject matter of required or potentially required state permits. In this case, MEPA jurisdiction exists over wetlands, waterways, and tidelands.

### Wetlands, Waterways and Tidelands

The Town Pier is used by both the local commercial lobster and finfish fleet and recreational boaters. Under existing conditions, use of the pier has been limited during the low portion of the tidal cycle due to shoaling around the existing floats and piers. While the project will result in approximately 1,728 sf of impacts to intertidal areas, CZM has stated that such impacts are balanced by the need to provide low-tide access for commercial users of the facility and thereby reduce commercial-recreational vessel use conflicts in the harbor.

The ENF included a project narrative and plans detailing the existing and proposed conditions and potential impacts to wetland resource areas. The ENF also contained historic dredge plans, bathymetric data, and a summary of sediment testing information. While the proposed dredge areas are consistent with previous dredge footprints, a portion of the project (6,568 sf) is considered “improvement” dredging, as the final elevations will be increased from the historic -3.0 MLW to -6.0 MLW. The depth of -6.0 MLW has been established from historic dredging operations on the remaining (28,311 sf) footprint area as well as for consistency with the adjacent federal anchorage area. The 28,311 sf dredge footprint is considered “maintenance” dredging in accordance with the c.91 Waterways regulations.

The 4,500 cy of dredge material will be transported by scow to the MBDS. The Proponent is in the process of completing the requisite sediment sampling data and obtaining approval for offshore disposal. While the Town of Marshfield has an approved upland Dredge Spoils Area (DSA) near the project site, feasibility studies have concluded that the DSA does not

have sufficient capacity or an appropriately sized dewatering area to accommodate the material from dredging projects. CZM has suggested that the DSA site be considered by the Town as an opportunity area for potential salt marsh restoration activities.

The Division of Marine Fisheries (*Marine Fisheries*) has indicated that the project site lies within mapped shellfish habitat for soft shelled clams (*Mya arenaria*) and blue mussels (*Mytilus edulis*). Green Harbor and surrounding embayments have also been identified as winter flounder (*Pseudopleuronectes americanus*) spawning habitat. *Marine Fisheries* has also identified Green Harbor River as a historic diadromous fish passage, migration and spawning habitat. Remnant populations of river herring (*Alosa spp.*) and American eels (*Anguilla rostrata*) are present in the upper reaches of the system.

*Marine Fisheries* provided several recommendations that should be considered during the permitting process including: placing a no dredging TOY restriction from February 1 through June 15 to protect spawning populations of winter flounder and diadromous fish and locating the top of slope of the dredge area at least 25 feet from the MLW line to prevent slumping and to protect Commonwealth tidelands.

As part of the permitting process, the Proponent should prepare a mitigation plan to reduce potential impacts during the dredging process, including but not limited to, time-of-year (TOY) restrictions, use of turbidity curtains or other sedimentation mitigation measures, and consideration for limiting work during certain portions of the tidal cycle to prevent bottoming-out of the barge within the harbor.

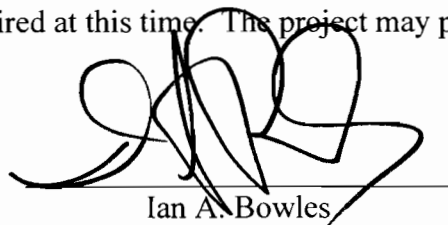
The Board of Underwater Archaeological Resources (BUAR) has noted that while there is no historical record of any underwater archaeological resources in the area located adjacent to the existing Town Pier Facility, the BUAR cannot conclude that there are in fact no such resources within the project boundaries. Should heretofore-unknown submerged cultural resources be encountered during the course of the project, the BUAR expects that the Proponent will take steps to limit adverse effects and notify the BUAR in accordance with the *Policy Guidance for the Discovery of Unanticipated Archaeological Resources*.

Pursuant to 301 CMR 13.02, I am declining to require an additional Public Benefit Review for the project. Furthermore, as a water-dependent project, it is presumed that this project will provide adequate public benefit in accordance with 301 CMR 13.04. I am satisfied that the project's impacts to tideland resources can be adequately addressed during the permitting process.

Based on the information in the ENF and after consultation with relevant public agencies, I find that no further MEPA review is required at this time. The project may proceed to State permitting.

March 13, 2009

Date



Ian A. Bowles

Comments received:

02/13/2009 Board of Underwater Archaeological Resources  
03/02/2009 Division of Marine Fisheries  
03/03/2009 Massachusetts Department of Environmental Protection – SERO  
03/03/2009 Office of Coastal Zone Management

IAB/HSJ/hsj