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March 24, 2006

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

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|-------------------------|--|
| PROJECT NAME | : Maintenance Dredging and Dredged Material Disposal |
| PROJECT MUNICIPALITY | : Chatam |
| PROJECT WATERSHED | : Cape Cod |
| EOEA NUMBER | : 13280 |
| PROJECT PROPONENT | : Outermost Harbor Marine, LLC |
| DATE NOTICED IN MONITOR | : February 22, 2006 |

Pursuant to the Massachusetts Environmental Policy Act (G.L. c. 30, ss. 61-62H) and Section 11.10 of the MEPA regulations (301 CMR 11.00), I have reviewed the Notice of Project Change (NPC) submitted on this project and hereby determine that it **does not require** the preparation of an Environmental Impact Report (EIR).

The project originally underwent MEPA review in June, 2004. An Environmental Impact Report (EIR) was not required as stated by a Certificate on the Environmental Notification Form (ENF), dated June 25, 2004. As originally described in the ENF, the proposed project included the hydraulic dredging of approximately 9,000 cubic yards of clean sediment from the previously dredged entrance channel to Outermost Harbor Marine in Chatam. The dredged material was proposed to be pumped via pipeline to five nearshore disposal areas adjacent to the dredge site. Fish and shellfish are not expected to be adversely affected by this project.

The project was originally reviewed pursuant to Section 11.03 (3)(b)(1)(f) of the MEPA regulations, because the project involved alteration of more than ½ acre of wetland resources other than bordering vegetated wetlands. The project required a new Chapter 91 License and a 401 Water Quality Certificate from the Department of Environmental Protection (DEP), and a

US Army Corps of Engineers Permit.

The project change described in this NPC involves the expansion of the floating dock system to include 8 additional floats to create 16 new boat slips, and improvement dredging of approximately 1000 cubic yards in an area of approximately 7,000 square feet. The dredging component of this project is part of the previously reviewed and permitted maintenance dredging of approximately 9,000 cubic yards of material from the harbor entrance channel. As proposed all material from the proposed dredging will be hydraulically pumped to five previously identified nearby locations for beneficial reuse of this material.

I am reiterating, as I stated in the ENF certificate, that if any portion of the dredged material will be reused at an upland site (excluding reuse of dredge regulated under the 401 Water Quality Certification Program) the project would require a beneficial use determination (BUD) approval from DEP's Solid Waste Regulations. I recommend that the proponent continue to work with DEP in addressing this issue.

The proposed project may be subject to CZM federal consistency review, in which case the project must be found to be consistent with CZM's enforceable program policies. In addition, I encourage the proponent to develop a marina management plan that is consistent with the CZM/EOEA Clean Marina Guidance Document. To ensure the protection of water quality, the proponent should also provide evidence of their Stormwater Pollution Prevention Plan (SWPPP) as required by the NPDES Storm Water Multi-Sector General Permit for marinas.

The NPC contain sufficient information to demonstrate that the environmental impacts of the project change do not warrant further MEPA review. The proponent can resolve any remaining issues during the process of final design.

March 24, 2006

Date


Stephen R. Pritchard

Comments received:

03/14/06 Coastal Zone Management
03/14/06 Department of Environmental Protection SERO

SRP/ACC/acc