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May 25, 2007

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

PROJECT NAME: Multi-Use Pathway Connections
PROJECT MUNICIPALITY: Weymouth/Hingham
PROJECT WATERSHED: South Coastal
EOEEA NUMBER: 14013
PROJECT PROPONENT: Department of Conservation and Recreation
DATE NOTICED IN MONITOR: April 25, 2007

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).

Project Description

As described in the Environmental Notification Form (ENF), the project involves the construction of a public pathway to connect four public waterfront parks that are separated by the Weymouth Back River and Route 3A. Abigail Adams Park and Great Esker Park are located in Weymouth and Stodders Neck and Bare Cove Park are located in Hingham. Abigail Adams Park and Stodder's Neck are under the control of the Department of Conservation and Recreation (DCR), Bare Cove Park is controlled by the Town of Hingham, and Great Esker Park is controlled by the Town of Weymouth. In 1982, the area south of Route 3A, including Great Esker Park and Bare Cove Park, was designated as the Weymouth Back River Area of Critical Environmental Concern (ACEC).

DCR proposes to connect Stodders Neck with Bare Cove Park in Hingham and Abigail Adams Park with Great Esker Park in Weymouth. The connection will be established by means of a pathway that runs along the eastern and western shorelines of the Back River and

underneath the Route 3A bridge with overlook/fishing access structures proposed along the shorelines in both Hingham and Weymouth south of Route 3A. The Towns of Weymouth and Hingham have both completed Master Plans for these park systems in which they recommend linking DCR parks north of Route 3A with town-owned parks south of Route 3A. The proposed project is consistent with the recommendations outlined in these Master Plan documents.

Jurisdiction

The project is undergoing review pursuant to Section 11.03(3)(b)(1)(a) and 11.03(11)(b) of the MEPA regulations because it will result in the alteration of coastal bank and because the project site is located within a designated ACEC. The project requires a Programmatic General Permit from the U.S. Army Corps of Engineers (ACOE); a Chapter 91 License from the Department of Environmental Protection (MassDEP); an 8(m) Permit from the Massachusetts Water Resources Authority (MWRA); Construction and Permanent Easements from the Massachusetts Highway Department (MHD); and Orders of Conditions from the Hingham and Weymouth Conservation Commissions.

The project design is funded via an earmark in DCR's Fiscal Year 2007 Operations and Maintenance Budget. DCR is investigating the option of SAFETEA-LU (Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users) funding for project construction. Because the proponent is a state agency, MEPA jurisdiction is broad and extends to all aspects of the project that may cause significant damage to the environment.

Pathway Alternatives

The proponent has considered several pathway alignments for the Weymouth and Hingham shorelines. Two path alternatives have been developed for Great Esker Park in Weymouth. The first alternative would follow an existing asphalt path running parallel to Route 3A west to the existing Great Esker Park path system. This pathway is currently used by MHD for maintenance access to the Route 3A bridge. This alignment would require minimal additional vegetation clearing and land alteration. The second alignment alternative would follow a more south-westerly alignment and would require the construction of a bridge over a topographical depression connecting to the Great Esker Park paths at a point further south. This alignment would require more clearing and land alteration.

Two path alignments have considered for Bare Cove Park. The first alternative would require the construction of an elevated bridge over a portion of coastal bank which lies along the edge of the tidal inlet south of the bridge. This alignment would provide a greater degree of safety for path users approaching or leaving the Route 3A bridge area by providing a direct line of sight to and from the path under the bridge. This alternative would also feature an overlook area on the Hingham shore. The second alternative aligns the path further inland in a general northwesterly-southeasterly direction, with a smaller bridge over the eastern edge of the coastal bank adjacent to the tidal inlet.

The proponent has also developed two pathway alternatives for the Stodders Neck area.

The first path alignment option follows the Back River shoreline, passes to the west of an existing MWRA sewer pump station, and connects to the existing Stodders Neck path system immediately to the north of the parking lot, separating path users from Stodders Neck vehicular traffic. The second path alignment option travels to the south of the MWRA building and connects to the Stodders Neck path and entrance roadway at the western end of the parking lot.

The proponent has met with MWRA staff to coordinate the 8(m) permitting process. MWRA facilities that may be affected during construction include the Hingham Pumping Station, below-grade conduits and other below-grade infrastructure, and the MWRA force main section located on the side of the Route 3A bridge. The proponent should ensure that MWRA infrastructure, in particular the force main section on the north side of the bridge, is not negatively impacted during construction. In addition, the proponent should note comments regarding the MWRA's plans to construct an influent isolation gate in the same location as one of the proposed path alignments in Stodders Neck park. The proponent should continue to consult with the MWRA during project design and planning to avoid potential conflicts.

Wetlands/Stormwater

Based on the selection of pathway alignment alternatives, the proponent has conservatively estimated in the ENF that the project will result in impacts to 6,150 square feet of coastal bank. The project will also result in alteration within the 200-foot Riverfront Area; the total amount of alteration will be determined upon selection of a final design alternative. MassDEP has stated that portions of the proposed pathway that will be constructed over flowed or filled tidelands would be exempt from the Riverfront Area performance standards at 310 CMR 10.58(6). Impacts to Land Subject to Coastal Storm Flowage will occur as a result of pile supports for elevated path sections. MassDEP has stated that the pathway alternative identified as Option 1 for Bare Cove Park may pass over a portion of salt marsh and tidal flat. The proponent should consider tradeoffs between wetland impacts and safety considerations as project design continues. The Weymouth and Hingham Conservation Commissions will evaluate the project for compliance with the Wetlands Protection Act (310 CMR 10.00) during the Notice of Intent review process.

The project should be designed to limit coastal bank impacts to the maximum extent possible. The proponent should note comments from CZM that the installation of pile-supported structures may cause fewer impacts than the excavation of coastal bank. The proponent will be required to stabilize the coastal bank after construction to prevent erosion. The proponent should use non-structural stabilization methods. In their comments on the ENF, CZM has indicated its willingness to participate in the ongoing planning and design review process for the project.

Path surfaces will be a combination of asphalt and elevated structures. The proponent has considered two different options for elevated structures along the pathway: a timber structure and a steel pile structure. The project is not expected to result in a significant increase in stormwater runoff. The project area includes Outstanding Resource Waters (ORWs) that are surface waters within the Back River ACEC and shellfish beds in the tidal inlet in Hingham south of Route 3A. Impervious sections of the multi-use pathway will be graded to direct stormwater away from wetlands and the Weymouth Back River. A comprehensive sedimentation

and erosion control program will be implemented to minimize construction-period impacts to wetland resources. The ENF contained a discussion of how the project will meet each of the applicable standards of MassDEP's Stormwater Management Policy. The project's stormwater impacts will be reviewed further during the local wetlands permitting process.

Waterways

The project will result in the construction of a public waterfront multi-use path on filled, formerly flowed tidelands under the Route 3A bridge. The project requires the submittal of a Chapter 91 License Application to MassDEP pursuant to 310 CMR 9.05. Plans submitted with the application should include a delineation of the existing and historic mean high water and mean low water lines. According to MassDEP, the project will be classified as a water-dependent use in accordance with 310 CMR 9.12. The project will provide enhanced public access to the waterfront and the proposed fishing platforms will enhance the public trust right of fishing within the Back River.

Federal Consistency Review


The project is located within the Coastal Zone. The ENF contained a discussion of the project's consistency with the polices of the Office of Coastal Zone Management (CZM) related to water quality, habitat, protected areas, coastal hazards, public access and growth management. The proponent should consult with CZM regarding the requirements of federal consistency review.

Conclusion

I comment DCR for undertaking this valuable public access initiative that will forward the Commonwealth's goal of improving access to and expanding uses of coastal recreation facilities. Following a review of the ENF and the comments entered into the record, I find that the impacts of the project within MEPA jurisdiction do not warrant the preparation of an EIR. I conclude that no further MEPA review is required. The proponent may resolve any remaining issues during the state and local permitting processes.

May 25, 2007

Date



Ian A. Bowles

Comments received:

5/11/2007 Massachusetts Water Resources Authority
5/15/2007 Office of Coastal Zone Management
5/15/2007 Department of Environmental Protection, Southeast Regional Office

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