



The Commonwealth of Massachusetts

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August 16, 2006

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

PROJECT NAME	: Stewart's Creek Salt Marsh Restoration
PROJECT LOCATION	: Ocean Ave.- Barnstable (Hyannis)
PROJECT WATERSHED	: Cape Cod
EOEA NUMBER	: 13815
PROJECT PROPONENT	: Town of Barnstable , Conservation Division
DATE NOTICED IN MONITOR	: June 7, 2006

Pursuant to the Massachusetts Environmental Policy Act (MEPA), G.L. c.30, ss.61-62H, and the MEPA regulations (301 CMR 11.00), I have reviewed the Environmental Notification Form (ENF) submitted on this project and hereby determine that it **does not require** an Environmental Impact Report.

According to the Environmental Notification Form, the proposed project consists of the replacement of a 3-foot in diameter culvert with a 6x4-foot box culvert under Ocean Avenue at the Stewart's Creek crossing. Associated work will include the dredging of the Stewart's Creek channel of approximately 3,200 cubic yards (cy) of material to restore the channel to depths better suited for fish and wildlife. The project would restore salt marsh in the northern portion of Stewart's Creek. It would restore: 4.0 acres of salt marsh; 1.5 acres of unvegetated intertidal habitat; 4.3 acres of subtidal area and tidal creek; 2 acres of brackish marsh; 1.5 acres of freshwater marsh; and 0.5 acres of shrub/forest community. It would create about 2 acres of marsh on dredged material. The purpose of the project is to restore a brackish wetland to a more normal tidal hydrology by increasing the flow of salt water into Stewart's Creek. The project would also improve wildlife habitat and fisheries resources. The restriction of tidal flow has resulted in a loss of salt marsh area and the encroachment of woody vegetation and invasive species, such as *Phragmites australis*. The project site is approximately 55 acres.

The proponent requested a waiver from the mandatory EIR threshold at Section 11.03(3)(a)(1)(a) for the alteration of one or more acres of salt marsh or Bordering Vegetated Wetlands (BVW). Following consultation with the Department of Environmental Protection's (DEP) Wetlands Program, the project qualifies as a "limited" project under the Wetlands

Protection Act and does not require a variance under the Section 401 Water Quality Program, or Chapter 91. Therefore, there has been no exceedence of the mandatory EIR threshold, and a waiver is not required. The project will require a Chapter 91 Waterways License and a 401 Water Quality Certification from DEP. An Order of Conditions from the Barnstable Conservation Commission will also be required for the project. Federal Consistency review may also be necessary by the Massachusetts Coastal Zone Management (MCZM) Office. MEPA jurisdiction is limited to the environmental impacts related to waterways, wetlands, and drainage.

The project has undergone an alternatives analysis with four alternatives. An Environmental Assessment for the project by the U.S. Army Corps of Engineers was found to have no significant impacts. The new culvert will be equipped with flood gates which have been designed so that there will be no additional flooding. The proponent will employ siltation/turbidity barriers and other construction mitigation measures.

According to the proponent, the project would directly affect the following wetland resource areas: approximately 10 linear feet of Coastal Bank; 1.5 acres of Coastal Beach (created); 24 square feet (sf) of Land Under the Ocean; 2.65 acres of Land Under Salt Ponds; and 2.7 acres of BVW (mostly Phragmites dominated marsh will be converted to salt marsh and tidal flats).

The proponent has been closely coordinating the project with the local, state, and federal permitting agencies. DEP supports this restoration project and will work with the proponent to review the Preferred Alternative during the permit process. DEP's remaining concerns regarding the conversion of open water salt pond habitat to salt marsh by filling with dredged material will be addressed as part of permitting.

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 preparation of an EIR and can be properly addressed in the DEP and local permitting processes.

August 16, 2006

Date



Robert W. Golledge, Jr.

cc: Lealdon Langley, DEP Wetlands
Sharon Stone, DEP /SERO

Comments received:

Cape Cod Commission, 6/9/06

EOEA #13815

ENF Certificate

August 16, 2006

DEP/SERO, 6/14/06

MCZM, 6/14/06

EOEA, 6/21/06

DEP, 6/21/06

Vine Associates, 6/29/06

DEP, 7/5/06

Vine Associates, 7/6/06

Laurence P. Morin, 7/6/06

DEP/SERO, 7/7/06

Town of Barnstable, 7/7/06

MCZM, 7/26/06

Vine Associates, 7/28/06

DEP, 8/8/06

DEP, 8/9/06

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RWG/wg