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September 5, 2008

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

PROJECT NAME : Ellisville Inlet Relocation  
 PROJECT MUNICIPALITY : Plymouth  
 PROJECT WATERSHED : South Coastal  
 BOEA NUMBER : 12927  
 PROJECT PROPONENT : Friends of Ellisville Marsh. Inc.  
 DATE NOTICED IN MONITOR : July 23, 2008

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

Previous MEPA Review

In 1991 after the "No-Name Storm" the channel to Ellisville Harbor became blocked through avulsion, and by 2003 the channel had migrated approximately 1,400 feet south along Ellisville Beach. The channel migration was undermining the base of the Coastal Bank. The proponent proposed the dredging of 1,400 cubic yards (cy) from the 26,500-square foot (sf) former inlet channel area in the Ellisville Harbor barrier beach. It dredged a channel about 1,400 feet north of the current inlet location (close to its historic location). The dredged material was reused in a 26,500-sf beach nourishment area along the barrier beach. The project also involved construction of a temporary berm in the existing harbor entrance channel to facilitate the northward relocation of the inlet. This project was considered a short-term solution to a severe erosion problem as the coastal bank was eroding at up to 29 feet per year. The natural sediment transport had been heavily altered by the presence of a stone groin to the south of the current inlet and a jetty to the north of the inlet location. Because of the immediate need to address the severe erosion problem, the proposed project represented a feasible alternative with the least environmental impact. The project included a beach management plan for the privately-owned beach adjacent to the project site. The project site is located within the Ellisville Harbor Area of Critical Environmental Concern (ACEC), and it is adjacent to the Ellisville Harbor State Park. In

the January 23, 2003 Certificate on the project, the Secretary determined that no Environmental Impact Report was required. However, if for any reason the management plan is not developed, the Secretary required the proponent to submit an NPC.

### NPC Description

On July 15, 2008, a new proponent, the Friends of Ellisville Marsh, submitted this NPC. The proponent is seeking a ten-year maintenance permit for the following activities: to dredge approximately 43,124-sf channel area in the 2003 channel relocation area; to utilize approximately 3,600 cubic yards (cy) of the dredged material as beach nourishment for a 43,000-sf area of the beach to the south of the proposed dredged channel inlet; and to remove two rows of Jersey barriers installed by the earlier proponent during the 2003 project. The project would include the dredging of the inlet channel to the Mean Low Water level in order to improve the ability of the channel inlet to naturally self-scour. The approximate length of the barrier spit is 188 meters. The proponent's goal is to enhance the fisheries and wildlife habitat in the Ellisville Marsh and nesting habitat along Ellisville Beach. The proponent believes that the salt marsh is being impacted by the tidal restriction at the inlet channel, which is not allowing sufficient drainage within the salt marsh.

The project will require a Chapter 91 Waterways Permit and a 401 Water Quality Certificate from DEP and an Order of Conditions from the Plymouth Conservation Commission. The project is subject to a Wetlands Restriction Order. The permit application and subsequent monitoring should indicate how the project meets the Restriction Order. A Programmatic General Permit will be required from the U.S. Army Corps of Engineers. The project may also require a Federal Consistency Review by the Massachusetts Coastal Zone Management (MCZM) Office. The project should comply with the National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges from a construction site.

According to the proponent, the maintenance dredging portion of the project would affect approximately 43,000-sf of Land under the Ocean (LUO). The proponent estimates that the dredged material would be placed on 43,000 sf of Coastal Dune and Coastal Beach.

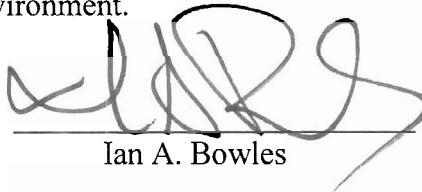
During the permitting process, the proponent should demonstrate that the project has been designed to meet all performance standards and propose mitigation for the loss of any intertidal habitat. Dredging should be restricted to between September 15 and February 1 to avoid fisheries and shellfish impacts. The proposed project will occur within the habitat of the Least Tern and the Piping Plover, which are state-listed species according to the Natural Heritage and Endangered Species Program (NHESP). NHESP has stated that the project may have to be modified to address its concerns. I ask the proponent to review its project plans with NHESP to identify these potential modifications. NHESP also has stated that it approves dredging and beach nourishment projects for a maximum of a three-year period, at which time they require

additional review pursuant to the Massachusetts Endangered Species Act. According to the Massachusetts Division of Marine Fisheries (MDMF), the project lies within mapped shellfish habitat for soft shelled clams, which are afforded protection under the Wetlands Protection Act. The area outside of the Ellisville Harbor in Cape Cod Bay is mapped as a surf clam habitat. The area offshore of the proposed channel has been mapped for eelgrass beds which are designated as "special aquatic habitat". The MDMF has requested that the proponent conduct pre- and post-deposition/excavation monitoring of the eelgrass beds to assess possible impacts from the proponent's dredging. The proponent should contact the MDMF and MassDEP to develop a survey design and monitoring program prior to the commencement of its project. It should also be prepared to provide mitigation for impacts to eelgrass beds and shellfish habitat. The MDMF also recommended that the dredged material be placed above the MHW line.

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 NPC do not warrant the preparation of an EIR and can be properly addressed in the federal, state and local permitting processes. The proponent should continue to work closely with the state and local permitting agencies and adjacent landowners in partnership with an inter-agency group of interested parties (including DCR, MassDEP, MDMF, NHESP, and MCZM) for pre-application review and permitting review to address the short-term solution presented in this NPC. The inter-agency group could also develop data monitoring requirements for the Ellisville Marsh and barrier beach system. I support the development of MCZM's Project Management and Monitoring Plan by the inter-agency group, as recommended in its comment letter. However, the financing of this endeavor should come from the inter-agency group with the participation of the Friends of Ellisville Marsh to address the long-term solutions of maintenance dredging, beach nourishment, and/or removal/modification of coastal structures (e.g., jetty, groin). I commend the proponent for undertaking this project with private funds. The interested parties are encouraged to continue to work towards a long-term maintenance solution to the silting of the channel inlet to Ellisville Harbor and improving the marsh environment.

September 5, 2008

Date



Ian A. Bowles

Comments received:

Vlad Hruby, 7/1/08

Town of Plymouth Environmental Manager, 7/16/08

Elizabeth & Barry David, 7/25/08

Kristina Engstrom, 7/28/08

Robert & Pamela Palmer, 7/30/08

DCR, 7/30/08  
Kelley O'Neel, 7/31/08  
LEC Environmental Consultants, 7/31/08  
Town of Plymouth Environmental Manager, 8/1/08  
DCR, 8/1/08  
Daniel Ellis, 8/3/08  
Thomas T. Russell, 8/7/08  
Paul and Roberta Martino, 8/8/08  
Friends of Ellisville Marsh, 8/11/08  
Sheila Valicenti, 8/11/08  
Gregory T. Lano, 8/12/08  
MCZM, 8/12/08  
Applied Coastal Research and Engineering, 8/13/08  
USEPA, 8/14/08  
Cedarville Steering Committee, 8/21/08  
Ann M. Skelly, 8/24/08  
MassWildlife, 8/25/08  
MDMF, 8/26/08  
MassDEP/SERO, 8/26/08  
DCR, 8/27/08  
MassDEP/SERO, 8/27/08  
Friends of Ellisville Marsh, 8/28/08  
Friends of Ellisville Marsh, 8/28/08  
LEC Environmental Consultants, 8/29/08

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