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September 26, 2008

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

PROJECT NAME : Jetty Reconstruction
PROJECT MUNICIPALITY : Pamet River - Truro
PROJECT WATERSHED : Cape Cod
EOEA NUMBER : 14300
PROJECT PROPONENT : Town of Truro
DATE NOTICED IN MONITOR : August 6, 2008

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62I) and Section 11.06 of the MEPA regulations (301 CMR 11.00), I determine that this **project does not require** the preparation of an Environmental Impact Report (EIR).

According to the Environmental Notification Form (ENF), the proposed project consists of the reconstruction and extension of the existing 12,498-square foot (sf) jetty on the north side of the Pamet River channel as it enters Cape Cod Bay. The proponent is proposing a 15,290-sf replacement jetty at a 1.5 to 1.0 slope. The existing jetty has areas of failure, and the beach to the north of the jetty, if left unattended, will scour through, creating a loss of wildlife habitat and unsafe navigation. The proposed extension of the jetty is anticipated to address the beach erosion situation. The proponent would dredge approximately 3,000 cubic yards (cy) in an area of approximately 15,290 sf where the existing jetty is located. The area of the project is about 21,780 sf. According to the proponent, the project will impact the following wetland resource areas: 2,470 sf of Coastal Beach; 14,400 sf of Barrier Beach; 15,290 sf (temporary) and 322 sf (permanent) of Land Under the Ocean; and 21,780 sf of Land Subject to Coastal Storm Flowage. Existing and proposed site runoff is sheet flow.

The project is subject to review pursuant to Sections 11.03(2)(b)(1) and 11.03(3)(b)(1)(a) of the MEPA regulations because it may alter a designated significant habitat and also alters barrier beach. It may require a Chapter 91 Waterways License, a Superseding Order of

Conditions, and a Water Quality Certificate from the Department of Environmental Protection (MassDEP). An Order of Conditions will be required from the Truro Conservation Commission. The project will require a Section 404 Programmatic General Permit from the U.S. Army Corps of Engineers. A Federal Consistency Review by the Massachusetts Coastal Zone Management (MCZM) Office may also be necessary. The project may need to comply with the National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges from a construction site. MEPA jurisdiction is limited to those aspects of the project within the subject matter of state permits and that may cause Damage to the Environment, as defined in the MEPA regulations (in this case: waterways, wetlands and stormwater).

The proponent is working closely with the Natural Heritage Endangered Species Program (NHESP) to refine the jetty design to protect the adjacent bird nesting habitat. These design changes may result in a reduction in the overall size of the proposed jetty. If the proponent adheres to NHESP's conditions, as stated in its September 2, 2008, comment letter, it has determined that the project will not adversely affect the actual Resource Area Habitat of state-protected rare wildlife species and will not result in a prohibited "take" under the Massachusetts Endangered Species Act. The proponent has committed to make the NHESP's requested changes, and the project construction drawings will be revised to reflect these changes. The Order of Conditions from the Truro Conservation Commission should include and comply with the NHESP conditions. In the event that the NHESP determines at a future date that a Conservation and Management Permit is required for this project, the proponent should file a Notice of Project Change under 301 CMR 11.10. No jetty reconstruction work or beach nourishment should occur between April 1 and August 31.

MassDEP has sufficient permitting authority to ensure that no significant impacts occur because of this project. Based on a review of the information provided by the proponent, a review of the comment letters, and after consultation with the relevant public agencies, I find that the potential impacts of this project do not warrant the preparation of an EIR and can be handled by MassDEP during its permitting process. No further MEPA review is required.

September 26, 2008

Date


Ian A. Bowles

Comments received:

MassDEP/SERO, 8/7/08

MassDEP/SERO, 8/8/08

Coastal Engineering Company (CEC), 8/20/08

CEC, 8/20/08

MCZM, 8/25/08

EEA #14300

ENF Certificate

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MDMF, 8/25/08

MassWildlife (NHESP), 9/2/08

Division of Marine Fisheries, 8/25/08

CEC, 9/2/08

MassDEP/SERO, 9/16/08

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IAB/WTG/wg