

For Office Use Only
Executive Office of Environmental Affairs

EOEA No.: 13023
 MEPA Analyst: Nick Zavalas
 Phone: 617-626-1030

ENF Environmental Notification Form

The information requested on this form must be completed to begin MEPA Review in accordance with the provisions of the Massachusetts Environmental Policy Act, 301 CMR 11.00.

Project Name: Dredging of West Arm of Lagoon Pond		
Street: 100 Lagoon Pond Road		
Municipality: Tisbury	Watershed: Cape and Islands	
Universal Transverse Mercator Coordinates: N E	Latitude: 41°27'02" Longitude: 70°35'52"	
Estimated commencement date: 12/1/03	Estimated completion date: 2/1/04	
Approximate cost: \$19,800	Status of project design: 75%complete	
Proponent: Maciel Marine, Inc., Geoffrey Banfield, President		
Street: P.O. Box 2156		
Municipality: Vineyard Haven	State: Mass.	Zip Code: 02568
Name of Contact Person From Whom Copies of this ENF May Be Obtained: Burton B. Bryan		
Firm/Agency: Robert L. Fultz & Associates	Street: 74 Colonial Road	
Municipality: Marshfield	State: Mass.	Zip Code: 02050
Phone: 781-659-2003	Fax: 781-659-2003	E-mail: bbbryan1@earthlink.net

- Does this project meet or exceed a mandatory EIR threshold (see 301 CMR 11.03)?
 Yes No
- Has this project been filed with MEPA before?
 Yes (EOEA No. _____) No
- Has any project on this site been filed with MEPA before?
 Yes (EOEA No. _____) No
- Is this an Expanded ENF (see 301 CMR 11.05(7)) requesting:
- a Single EIR? (see 301 CMR 11.06(8)) Yes No
 - a Special Review Procedure? (see 301CMR 11.09) Yes No
 - a Waiver of mandatory EIR? (see 301 CMR 11.11) Yes No
 - a Phase I Waiver? (see 301 CMR 11.11) Yes No

Identify any financial assistance or land transfer from an agency of the Commonwealth, including the agency name and the amount of funding or land area (in acres): none

Are you requesting coordinated review with any other federal, state, regional, or local agency?
 Yes (Specify _____) No

List Local or Federal Permits and Approvals: Order of Conditions, Tisbury Conservation Commission; U.S. Army Corps of Engineers Permit

Which ENF or EIR review threshold(s) does the project meet or exceed (see 301 CMR 11.03):

- | | | |
|---------------------------------|---------------------------------------|--|
| <input type="checkbox"/> Land | <input type="checkbox"/> Rare Species | <input checked="" type="checkbox"/> Wetlands, Waterways, & Tidelands |
| <input type="checkbox"/> Water | <input type="checkbox"/> Wastewater | <input type="checkbox"/> Transportation |
| <input type="checkbox"/> Energy | <input type="checkbox"/> Air | <input type="checkbox"/> Solid & Hazardous Waste |
| <input type="checkbox"/> ACEC | <input type="checkbox"/> Regulations | <input type="checkbox"/> Historical & Archaeological Resources |

Summary of Project Size & Environmental Impacts	Existing	Change	Total	State Permits & Approvals
LAND				<input checked="" type="checkbox"/> Order of Conditions <input type="checkbox"/> Superseding Order of Conditions <input checked="" type="checkbox"/> Chapter 91 License <input checked="" type="checkbox"/> 401 Water Quality Certification <input type="checkbox"/> MHD or MDC Access Permit <input type="checkbox"/> Water Management Act Permit <input type="checkbox"/> New Source Approval <input type="checkbox"/> DEP or MWRA Sewer Connection/Extension Permit <input type="checkbox"/> Other Permits (including Legislative Approvals) – Specify: _____ _____ _____ _____ _____ _____ _____
Total site acreage				
New acres of land altered		1.3		
Acres of impervious area	0	0	0	
Square feet of new bordering vegetated wetlands alteration		0		
Square feet of new other wetland alteration		55,900		
Acres of new non-water dependent use of tidelands or waterways		0		
STRUCTURES				
Gross square footage	0	0	0	
Number of housing units	0	0	0	
Maximum height (in feet)	N/A			
TRANSPORTATION				
Vehicle trips per day	N/A			
Parking spaces	0	0	0	
WATER/WASTEWATER				
Gallons/day (GPD) of water use	0	0	0	
GPD water withdrawal	0	0	0	
GPD wastewater generation/treatment	0	0	0	
Length of water/sewer mains (in miles)	0	0	0	

CONSERVATION LAND: Will the project involve the conversion of public parkland or other Article 97 public natural resources to any purpose not in accordance with Article 97?

- Yes (Specify _____) No

Will it involve the release of any conservation restriction, preservation restriction, agricultural preservation restriction, or watershed preservation restriction?

- Yes (Specify _____) No

RARE SPECIES: Does the project site include Estimated Habitat of Rare Species, Vernal Pools, Priority Sites of Rare Species, or Exemplary Natural Communities?

Yes (Specify: Estimated Habitat and Priority Site) No

HISTORICAL /ARCHAEOLOGICAL RESOURCES: Does the project site include any structure, site or district listed in the State Register of Historic Place or the inventory of Historic and Archaeological Assets of the Commonwealth?

Yes (Specify _____) No

If yes, does the project involve any demolition or destruction of any listed or inventoried historic or archaeological resources?

Yes (Specify _____) No

AREAS OF CRITICAL ENVIRONMENTAL CONCERN: Is the project in or adjacent to an Area of Critical Environmental Concern?

Yes (Specify _____) No

PROJECT DESCRIPTION: The project description should include (a) a description of the project site, (b) a description of both on-site and off-site alternatives and the impacts associated with each alternative, and (c) potential on-site and off-site mitigation measures for each alternative (You may attach one additional page, if necessary.)

Maciel Marine, Inc., in cooperation with the Town of Tisbury, plans to maintain an existing municipal navigation channel in the West Arm of Lagoon Pond. The area was last dredged in 1993, and must be re-dredged to maintain access by boat to the West Arm. The project is especially important for the public boat ramp, public moorings, and three marine businesses with water access in the West Arm of the Lagoon. The dredging will to some extent improve tidal exchange in the West Arm.

The project design, illustrated by the enclosed plans, is for dredging to deepen a 30 foot wide municipal channel to 4 feet below mean low water (MLW). The total length of the channel is 3,850 feet, but only approximately 1,925 feet of this would have to be dredged, as the rest is already deeper than 4' MLW. The estimated volume of dredging would be 1,320 cubic yards from an area of 43,900 square feet.

The following alternatives have been considered for disposal of sediments from this project:

1. The preferred alternative is to use a clamshell dredge with dewatering on a barge and trucking and grading material as beach nourishment. Between DEP aerial photographic surveys made in 1994 and 2001, an estimated area of 10,850 sf of the channel was revegetated by eelgrass. This indicates the eelgrass will reinvade the area dredged. In addition, staff from the National Marine Fisheries Service and the Mass. Division of Marine Fisheries conducted a surveillance dive on the area of eelgrass in the channel. They requested certain mitigation, given the eelgrass will revegetate the area. This mitigation request included speed and channel signage and educational signage to protect the eelgrass beds. The intent is to mitigate damage to eelgrass from vessels straying from the designated channel and causing prop damage and scour to the larger bed. This project will provide the requested mitigation, which will have a beneficial impact on the entire eelgrass bed in the West Arm of the Lagoon. In addition, the Town Shellfish Warden has investigated the dredge areas for shellfish and has found no shellfish in the channel's west end but significant hard shell clams (*Mercenaria mercenaria*) and bay scallops (*Aequipecten irradians*) in the east end of the channel. Based on guidance of the Mass. Division of Marine Fisheries, the Shellfish Constable has proposed removal and reseeding as mitigation, which the proponent accepts. The presence of these clams also shows the channel will be repopulated after dredging and will remain shellfish habitat. The timing of this project also mitigates construction period impacts. Dredged sediments will be dewatered on a barge and trucked to the nourishment beach destination, where they will be graded as per the project design. Grain size analysis and chemical testing have shown the sediments to be suitable for use at Joseph Sylvia State Park Beach in Oak Bluffs. The Mass. Department of Environmental Protection, the U.S. Army Corps of Engineers, and the manager of the State Park have approved beach nourishment at this site. The issues related to environmental impact from this alternative have been addressed by

the resource agencies by proposing mitigation that the proponent accepts as part of the project.

2. Disposal within deeper parts of Lagoon Pond was considered, but this could have adverse effects on benthic organisms and fishes, and would require an essential fish habitat analysis. Officials of the Mass. Division of Marine Fisheries and the National Marine Fisheries Service have expressed reservations about this proposal. The regional shellfish biologist has stated that disposal of dredge sediments disposed in this manner in 1993 has helped improve circulation in the main body of the Lagoon, site of the regional solar shellfish hatchery established in 1979. The Towns and the Martha's Vineyard Commission have made efforts recently to address human influences on the Pond ecosystem.
3. Another alternative would be to pump the spoils hydraulically to the shore of Lagoon Pond. This would require identification of landowners willing to accept the sediment, calculation of many separate volumes, and dealing with numerous landowners. It would also cause greater turbidity and disturbance to the beaches, no appropriate dewatering site is available in this area, and it would be hard to confine the effects to specified pieces of property.
4. The no action alternative would allow the shoaling of the West Arm to continue, severely impacting the commercial and recreational boating activity in this area and jeopardizing the existence of the businesses that depend on it. Also, the access rights for fishing and navigation in an established municipal channel and public mooring area would be denied. Shoaling would also continue to impede emergency rescue vessels navigating in a municipal channel. This creates a risk to public safety that could force the Town to take emergency action to protect the public. In addition to public health risks, environmental health impacts could result from hazardous material spills from vessel groundings and collisions caused directly by the shoals or because the shoals force vessels out of the designated channel thereby restricting mobility and the ability to avoid collision.

Dredging is planned for a start date of December 1, 2003, in order to minimize environmental impacts of the operation. Harvesting of scallops in the area starts on November 1, and can be completed before dredging starts. The work will be completed before the start of the winter flounder spawning season, and well before the start of migratory fish runs in the spring.