



# *The Commonwealth of Massachusetts*

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February 22, 2007

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

PROJECT NAME : Rexhame Area Stream Restoration and Culvert Improvement Project  
PROJECT MUNICIPALITY : Marshfield  
PROJECT WATERSHED : South Coastal  
EOEA NUMBER : 13949  
PROJECT PROPONENT : Town of Marshfield Department of Public Works  
DATE NOTICED IN MONITOR : January 23, 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.

As described in the Environmental Notification Form (ENF), the Rexhame area of Marshfield experiences drainage problems and flooding in and along an open drainage channel that runs southerly from Rexhame Road to Ocean Street between Surf Avenue and Country Way. The proposed project includes the dredging of approximately 280 cubic yards of sediment from the existing stream channel, followed by stabilization using filter fabric, crushed stone and gravel; culvert improvements at a number of street crossings; relocation of drainage outlets, improved roadway profiles, and construction of a pump station for the purpose of pumping streamwater to the downstream side of Route 139; and, the installation of a tide control structure at the down-gradient side of Ocean Street. As described in the ENF, the project will impact 2,278 linear feet of inland wetland bank, 1,900 square feet of Bordering Vegetated Wetlands, 12,600 square feet of Land Under Water, 45,560 square feet of Bordering Land Subject to Flooding, and 2,800 square feet of riverfront area. The project is being proposed under the "limited project" provisions of the state wetlands regulations (310 CMR 10.53) for improvement

of inadequate drainage systems and repair of road drainage structures including culverts, drainage easements, channels, and watercourses.

The project is undergoing review pursuant to Section 11.03 (3)(b)(1)(f) of the MEPA regulations, because the project involves alteration of more than ½ acre of wetland resources other than Bordering Vegetated Wetlands. The project will require a 401 Water Quality Certificate from the Department of Environmental Protection (MassDEP), and a U.S. Army Corps of Engineers Category 2 Permit. The Marshfield Conservation Commission issued an Order of Conditions on the project on December 14th, 2006. The project construction activities may disturb one or more acres of land and therefore, may require a NPDES Stormwater Permit from the U.S. EPA for Construction Activities.

Because the proponent is not seeking financial assistance from the Commonwealth for the project, MEPA jurisdiction extends to those aspects of the project that are within the subject matter of required permits and that may cause significant Damage to the Environment. In this case, MEPA jurisdiction exists over wetlands and water quality issues. I note that DEP will require the Town to document the measures to be taken to avoid, minimize and mitigate for both permanent wetlands alterations and temporary impacts prior to issuance of a 401 Water Quality Certificate.

The Office of Coastal Zone Management (CZM) has raised concerns with several aspects of the proposed project design in its comment letter. CZM recommends for the final design that the Town utilize modeling currently underway at and adjacent to the site, and that tide control structures should only be utilized as a means of last resort. CZM states in its comment letter that the Town should consider the following:

- a tiered project development/implementation strategy that prioritizes an increase in the potential flow capacity of the channel;
- augmentation of down-gradient flow through restoration opportunities in Green Harbor River; and
- investigation of additional measures if those actions do not provide the desired flood mitigation relief.

CZM recommends and I concur that the Town develop a comprehensive stormwater mitigation strategy for the project area. Design of stormwater management Best Management Practices (BMPs) could serve to limit the amount of sediment being discharged to the resource area and, depending on the technology, could be designed to desynchronize stormwater flows and times of concentration in order to reduce peak flows to the system. Stormwater BMPs for this project could be eligible for funding through CZM's Coastal Non-Point Source or Coastal Pollution Remediation grant programs. The Town should work with CZM to address the restoration and flooding problems in this area.

Both the tide gates at Dike Road Bridge and the culvert at Ocean Street are identified as high priority sites in the Atlas of Tidal Restrictions on the South Shore of Massachusetts, prepared by the Metropolitan Area Planning Council, 2001. This priority code level was based on the size of the affected marsh area, the presence of an anadromous fishway, contiguous open

space, shellfish area, and the potential for upstream benefits. The proposed project may also be subject to CZM federal consistency review, in which case the project must be found to be consistent with CZM's enforceable program policies.

This project includes the removal of approximately 284 cubic yards of dredged material from the bottom of an open drainage channel. Therefore, the anti-degradation provisions of 310 CMR 40.0032 may apply. MassDEP has advised that, in accordance with 310 CMR 40.0032(3), soils that contain one or more hazardous materials at concentrations less than an otherwise applicable Reportable Concentration and that are not a hazardous waste, may be transported from a disposal site without notice to or approval from MassDEP. In addition, in accordance with 310 CMR 40.0032(2), contaminated media and contaminated debris containing one or more hazardous materials at levels equal to or greater than an applicable Reportable Concentration specified in 310 CMR 40.0300 and 40.1600, and which are not a hazardous waste, shall be managed under the Bill of Lading process described in 310 CMR 40.0034 or under a Hazardous Waste Manifest in accordance with 310 CMR 30.000 when they are transported from a disposal site.

The review of the ENF has served to adequately disclose the potential impacts and mitigation associated with this project. Based on a review of the ENF, the comment letters, and consultation with the relevant public agencies, I find that the impacts of the project do not warrant further MEPA review. TheTown can resolve the remaining issues associated with the maintenance dredging and all wetland issues with the state agencies during the permitting process.

February 22, 2007

Date



Ian A. Bowles

Comments Received:

- 02/09/07 Department of Environmental Protection, SERO
- 02/12/07 Massachusetts Office of Coastal Zone Management

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