



# The Commonwealth of Massachusetts

Executive Office of Environmental Affairs

100 Cambridge Street, Suite 900

Boston, MA 02114-2524

MITT ROMNEY  
GOVERNOR

KERRY HEALEY  
LIEUTENANT GOVERNOR

STEPHEN R. PRITCHARD  
SECRETARY

Tel. (617) 626-1000  
Fax. (617) 626-1181  
<http://www.mass.gov/envir>

March 24, 2006

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

PROJECT NAME	: Oak Bluffs Ferry Pier Reconstruction
PROJECT MUNICIPALITY	: Oak Bluffs
PROJECT WATERSHED	: Nantucket Sound
EOEA NUMBER	: 13255R
PROJECT PROPONENT	: Woods Hole, Martha's Vineyard and Nantucket Steamship Authority
DATE NOTICED IN MONITOR	: February 22, 2006

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 determine that this project **does not require** the preparation of an Environmental Impact Report (EIR).

As described in the Environmental Notification Form (ENF), the proposed project consists of the reconstruction of the Oak Bluffs Ferry Terminal and associated pier in Oak Bluffs, Martha's Vineyard to address safety and transportation circulation issues. The site is located on the east shore just south of Oak Bluffs harbor and is seaward of Sea View Avenue. Large eelgrass (*Zostera marina*) beds are located close to the existing and proposed extension of the pier. The project includes the following elements: replacement of deteriorating mooring dolphins to improve the safety and efficiency of berthing vessels; replacement of the 35-foot transfer bridge with a less steeply sloping 50-foot bridge to increase safety and increase loading/unloading efficiency; separation of pedestrian and vehicular traffic; and construction of a traffic island on Sea View Avenue to separate pick-up/drop-off traffic from through traffic. The project includes maintenance of the existing rip-rap to improve its performance. The project will impact approximately 46,580 sf of Land Subject to Coastal Storm Flowage (LSCSF) and 24, 850 sf of Land Under the Ocean (LUO) and will include dredging of approximately 650 cubic yards (cy) of material.

The project is undergoing MEPA review pursuant to Section 11.03 (3)(b)(1)(a) and (3)(b)(6) because it requires a state permit and consists of alteration to a coastal bank and reconstruction and expansion of a pile-supported structure of 2,000 or more sf base area that occupies flowed tidelands. The project requires a Chapter 91 Permit and a 401 Water Quality Certificate from the Department of Environmental Protection (DEP). It may be subject to federal consistency review by Coastal Zone Management (CZM). Also, it requires an Order of Conditions from the Oak Bluffs Conservation Commission (approved on March 7, 2006).

The proponent is not seeking financial assistance from the Commonwealth. Therefore, MEPA jurisdiction applies to those aspects of the project within the subject matter of required permits with the potential to cause Damage to the Environment. In this case, MEPA jurisdiction extends over wetlands, drainage and tidelands.

An ENF for this project was filed in April, 2004 and subsequently withdrawn because of the numerous issues and questions raised regarding the proposed design, its impacts to coastal wetland resources and open space and its consistency with applicable regulatory standards. Since that filing, the proponent has worked with the town of Oak Bluffs to revise the project design to adequately address these issues. Project impacts have been reduced significantly and adequate mitigation has been proposed. The ENF includes a copy of the Notice of Intent (NOI) and the Stormwater Management Plan for the project. Also, the ENF clarifies Chapter 91 Waterways jurisdiction and licensing requirements. CZM and the Martha's Vineyard Commission have indicated that the revised design and this ENF represent a significant improvement over the previous design. DEP has noted that the enhanced public amenities, public safety and traffic improvements will improve operations.

The Department of Fish and Game's (DFG) Division of Marine Fisheries (DMF) has indicated that the proposed project lies within mapped shellfish habitat for quahogs (*Mercenaria mercenaria*), bay scallops (*Argopecten irradians*) and blue mussels (*Mytilus edulis*) and has highlighted the importance of the adjacent eelgrass beds as marine habitat. In addition, the waters of Nantucket Sound and surrounding embayments have been identified as winter flounder (*Pseudopleuronectes americanus*) spawning habitat. To protect this habitat, DMF has requested a no dredging time-of-year (toy) restriction from January 15 through May 30 and requested other precautions to minimize impacts to eelgrass beds and shellfish habitat during construction. In a letter dated March 16, 2006, the proponent has indicated that it will commit to the mitigation measures outlined in the DMF comment letter including the toy restriction or the use of containment technology during dredging.

The Board of Underwater Archaeological Resources (BUAR) has requested that if submerged cultural resources are encountered during the course of the project, the proponent take steps to limit adverse affects and notify it as well as other appropriate agencies.

The Martha's Vineyard Surfcasters Association has requested that the project incorporate additional public access. The proponent has indicated that non-ferry related public access was eliminated from the project design based on homeland security concerns. DEP will address the consistency of the proposed project with its Chapter 91 regulations during the permitting process. I encourage the proponent to consult with the Association regarding their comments and opportunities for accommodating general public access at the site.

Based on a review of the information provided in the ENF, and consultation with relevant public agencies, I find that the potential impacts of this project do not warrant the preparation of an EIR. Outstanding issues may be addressed during the state and federal permitting processes. Therefore, no further MEPA review is required.

March 24, 2006

Date

  
Stephen R. Pritchard

Comments Received:

3/13/06	Coastal Zone Management (CZM)
3/14/06	Department of Environmental Protection Southeast Regional Office(DEP SERO)
3/14/06	Division of Marine Fisheries (DMF)
3/9/06	Massachusetts Historical Commission (MHC)
3/14/06	Board of Underwater Archaeological Resources (BUAR)
3/13/06	Martha's Vineyard Regional Planning Commission
3/6/06	Town of Oak Bluffs/Shellfish Department
3/10/06	Martha's Vineyard Surfcasters Association

SRP/CDB/cdb