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April 6, 2007

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

PROJECT NAME : Sesuit Creek-Bridge Street Habitat Restoration Project  
PROJECT MUNICIPALITY : Dennis  
PROJECT WATERSHED : Cape Cod Bay  
EOEA NUMBER : 13984  
PROJECT PROPONENT : Town of Dennis, Natural Resources Department  
DATE NOTICED IN MONITOR : March 7, 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 (EIR).

The proposed project consists of replacement of an existing failed 24-inch culvert with two 12-foot wide box culverts. The new culvert will realign the crossing to the historic creek location. The project also includes repaving of Bridge Street, construction of a sidewalk (porous pavement) and drainage facilities, and placement of overhead utilities underground. The goal of the project is to restore degraded coastal wetland habitat up-gradient of the crossing by restoring tidal flow, which has been restricted due to the undersized and failing culvert. The project will also enhance conditions that support upstream movement of adult river herring and rainbow smelt during spawning season.

The project will result in alteration of approximately 1,650 square feet (sf) of Rocky Inter-tidal Shore, 375 sf of Salt Marsh, 57 linear feet of Fish Run (due to existing culvert removal), and 386 sf of Bordering Vegetated Wetland. The project will also impact approximately 39,937 sf of Land Subject to Coastal Storm Flowage and 20,468 sf of Riverfront Area due to alterations of roadway and embankment.

The project is undergoing environmental review pursuant to Section 11.03 (3)(b)(f) because it will result in alteration of one-half acre or more of any other wetland and Section 11.03(2)(b)(2) because it includes an area mapped as Priority Habitat for Rare Species and may result in a take of an endangered or threatened species.

The project requires a Chapter 91 License and a 401 Water Quality Certification from the Massachusetts Department of Environmental Protection (MassDEP). The project requires an Order of Conditions from the Dennis Conservation Commission (and, on appeal only, a Superseding Order of Conditions from MassDEP). The project also requires a Programmatic Permit from the U.S. Army Corps of Engineers and is subject to a Federal Consistency Review by the Massachusetts Office of Coastal Zone Management (CZM).

The proposed project will receive state funding in the amount of \$220,000 from the Massachusetts Wetlands Restoration Program. Therefore, MEPA jurisdiction is broad and extends to all aspects of the project that may cause significant Damage to the Environment as defined in the MEPA regulations.

The Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program (NHESP) has determined that the project will not adversely affect the actual habitat of state-protected rare wildlife species. The Cape Cod Commission (CCC), Association to Preserve Cape Cod (APCC), and the U.S. Environmental Protection Agency (EPA) Wetlands Program have written in support of the project. EPA provided comments and recommendations regarding cofferdam, dewatering, and rip-rap plans and specifications, which I expect will be addressed during the permit process. I encourage the Town to consider APCC comments and recommendations also in developing a long-term monitoring plan for the restoration project.

The proposed project will be classified as a water-dependent use project in accordance with 310 CMR 9.12 of the Waterways regulations. MassDEP supports the replacement of the existing pipe with the twin 12-foot wide culverts. The removal of tidal restriction is expected to restore approximately 41 acres of coastal wetland habitat and enhance the potential for re-establishment of a historic fish run. The proposed twin box culvert design will also provide enhanced access for small vessels such as canoes and kayaks to navigate the upper reaches of Sesuit Creek. However, as noted in the MassDEP comment letter, it is not clear from the ENF how the new culverts will meet design standards for replacement culverts, and more detailed information is required regarding the cofferdam, dewatering and other construction-related issues. The Order of Conditions requires an amendment hearing prior to the start of work to evaluate construction details and practices, and I expect that the additional information requirements identified by MassDEP will be provided during the permit process.

The Division of Marine Fisheries (DMF) is concerned about potential construction-related impacts during the annual fish spawning runs and has asked that the proponent implement a Time-of-Year (TOY) restriction on any work that will increase siltation or block fish runs from April 1 through May 30. The Town has indicated that no in-water work will be allowed during the April 1-May 30 period, and that Best Management Practices (BMPs) will be implemented to avoid water quality impacts during roadway improvements scheduled for April/May 2007. The existing culvert will remain in place during construction of the new culvert (scheduled for

October 2007) so that fish runs will not be blocked. The Town should also consider DMF comments regarding adequate water depth around the new culverts to allow for passage of river herring during as much of the tidal cycle as possible.

The ENF proposes a post-restoration monitoring program that will include annual inspections of box culverts, flashboards and creek morphology, and monitoring of vegetation changes to salt marsh, freshwater wetlands and *Phragmites* growth west of the box culvert (for a minimum of three years). Additional monitoring of macro-invertebrates, water quality and other parameters will also be conducted depending on availability of financial resources and staff availability. Monitoring will be conducted as a joint effort between the Town of Dennis and the CZM Wetlands Restoration Program.

Measures proposed to avoid and minimize or mitigate impacts include:

- erosion and sedimentation controls during the construction phase; the existing pipe will be left in place while the new crossing is constructed within a coffer-cell, which will eliminate the need to divert creek flow and reduce potential for water quality impacts during construction;
- the upstream end of the culverts will be equipped with a series of flashboards to address concerns about rapid re-suspension and transport of accumulated fine sediments. The flashboard configuration will include a four-foot wide notch within the top two boards to improve fish passage during low flow conditions; and stormwater management improvements including deep sump catch basins, leaching chambers, porous pavement on sidewalks, and an infiltration swale.

The ENF has served to adequately disclose the potential impacts and mitigation associated with the project. Based on review of the ENF, comment letters received, and consultation with relevant agencies, I find that impacts associated with the project do not warrant further MEPA review. I am satisfied that any remaining issues can be adequately addressed during the state and local permit and review processes. The project may proceed to state permitting.

April 6, 2007

DATE

  
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Ian A. Bowles, Secretary

Comments Received:

3/13/07	Division of Marine Fisheries
3/15/07	Environmental Protection Agency, Wetlands Program
3/22/07	Association to Preserve Cape Cod
3/27/07	Cape Cod Commission
3/27/07	Department of Environmental Protection, Southeast Regional Office
3/28/07	Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program

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