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April 10, 2009

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
ON THE
NOTICE OF PROJECT CHANGE

PROJECT NAME : One North Shore Road
PROJECT MUNICIPALITY : Revere
PROJECT WATERSHED : North Coastal
EEA NUMBER : 13728R
PROJECT PROPONENT : Jay Epsimos
DATE NOTICED IN MONITOR : March 11, 2009

Pursuant to the Massachusetts Environmental Policy Act (MEPA) (G.L.c.30, ss. 61-62I) and Section 11.10 of the MEPA regulations (301 CMR 11.00), I have reviewed the Notice of Project Change (NPC) describing Phase I Waterfront Improvements and hereby determine that it **does not require** the preparation of an Environmental Impact Report (EIR). However, in accordance with a Certificate dated March 8, 2007, the project as a whole continues to require the preparation of an EIR. The proponent has also requested a Phase I Waiver in order to allow a portion of the project to proceed prior to submitting its EIR. Therefore, I am also issuing a Draft Record of Decision (DROD) proposing to grant the Phase I Waiver, subject to public comment. If the Phase I Waiver is not granted, then I will reissue this Certificate on the NPC with a denial of the requested Phase I Waiver. Although I have not issued a new scope for the EIR on account of the NPC, the EIR should incorporate impacts from the Phase I Waiver (if granted), as well as the assessment of the project's cumulative impacts.

NPC Project Change Description

On March 2, 2009, the proponent submitted this Notice of Project Change (NPC). The proponent is proposing to construct the revetment repairs as Phase I at this time in order to

address the stability of the coastal bank and authorize historically unlicensed fill. The revetment repair plans have been revised since the 2007 Environmental Notification Form (ENF) to avoid expansion of the structure into the intertidal area and to maintain a proper slope for the revetment. The proponent has reduced wetland resource area impacts from 2,200 square feet (sf) to 1,700 sf. The existing slope will be cut back to create a 1.5 to 1 vertical to horizontal slope. A six-inch layer of crushed stone and a two-foot thick layer of armoring stone will cover the slope. Large stones will be placed at the toe of the existing seawall. Approximately 186 cubic yards (cy) of dredged material will be removed in Land Under Water (LUW). The project will remove approximately 1,730 cubic yards of existing fill material located below the high tide line. In addition to the revetment repairs, approximately 2,650 sf of existing impervious surface landward of the revetment will be removed and loomed and seeded. The proposed rehabilitation of the revetment has been designed to comply with the slope requirements of the existing Chapter 91 License for the site.

Jurisdiction and Permitting

The proponent submitted an ENF pursuant to Section 11.03(3)(b)(5) of the MEPA regulations because it required a state permit and consisted of a non-water dependent use of tidelands. The project requires a Chapter 91 License and a 401 Water Quality Certificate from the Department of Environmental Protection (MassDEP). It requires an Access Permit from the Massachusetts Highway Department (MassHighway). The project may require a temporary construction easement from the Department of Conservation and Recreation (DCR) for the southern end of the revetment. It may also require an 8(m) Permit from the Massachusetts Water Resources Authority to protect the existing water infrastructure and Federal Consistency Review by the Massachusetts Coastal Zone Management (MCZM) Office. The project required a Category 2, Section 404 Permit from the U.S. Army Corps of Engineers. The project will have to comply with the U.S. Environmental Protection Agency's National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges. An amended Orders of Conditions will be required from the Revere Conservation Commission (RCC) for work within resource areas and buffer zones. Because the proponent is not seeking financial assistance from the Commonwealth for the project, MEPA jurisdiction extends to those aspects of the project that may cause Damage to the Environment, as defined in the MEPA regulations and that are within the subject matter of required or potentially required state permits. In this case, MEPA jurisdiction extended to land alteration, tidelands, wetlands, stormwater, wastewater, and traffic/transportation issues.

Previous MEPA Review

In 2007, an ENF was submitted for One North Shore Road. I issued a Certificate on this ENF requiring an EIR on March 8, 2007. The project consisted of the redevelopment of a 2.4 acre site. It included the construction of 65 residential units in a ten-story building. The project

included associated parking on the first two floors of the building, walkways, landscaping, seawall reconstruction/repair and associated utilities including an improved stormwater management system. The site was comprised of 0.94 acres of historically filled tidelands and is classified by the Natural Heritage and Endangered Species Program (NHESP) as Priority Habitat and Estimated Habitat for the Common Tern. The project required work within several wetlands resource areas that included Riverfront Area (RA), Barrier Beach, Coastal Bank, Land Subject to Coastal Storm Flowage (LSCSF), and Land Containing Shellfish (LCS). The site contained an existing two story building with twelve residential units, a restaurant and banquet hall, a swimming pool, surface parking, and a seawall. As outlined in the prior Certificate, design changes and additional information were needed to demonstrate that the project will improve conditions and can meet regulatory standards and guidelines, particularly with regard to the reconstruction/repair of the existing seawall. The proponent filed the current NPC to address those issues.

Environmental Impacts of Phase I

The impacts associated with the coastal repairs include approximately 285 linear feet of armored Coastal Bank, 1,700 sf of LSCSF, 800 sf of Land Under Water (LUW), and 4,200 sf of RA. In addition to the repairs, the work will include the removal of the stone debris material that has fallen into the intertidal area from failed sections of the revetment.

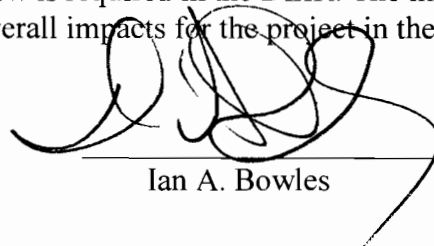
As described in the NPC, Phase I would be able to proceed prior to the submission of the DEIR. Delaying the project until the DEIR has been completed will result in stone debris falling into the intertidal zone because of the continued failure of the existing revetment. The proponent has committed to complete the construction of the revetment repairs as soon as its permits are received. The proponent has estimated that the proposed Phase I project will remove approximately 1,730 cubic yards of unlicensed fill material from the intertidal zone.

Conclusion

In a separate Draft Record of Decision (DROD), I have proposed to grant the Phase I Waiver to allow the revetment repairs to take place in advance of the environmental review for the entire project. Further MEPA review is required in the DEIR. The impacts of Phase I will be incorporated into the assessment of overall impacts for the project in the DEIR.

April 10, 2009

Date



Ian A. Bowles

EEA #13728R

NPC Certificate

April 10, 2009

Comments received:

BSC Group, 3/11/09

BSC Group, 3/13/09

BSC Group, 3/16/09

U.S. Environmental Protection Agency, 3/25/09

Massachusetts Water Resources Authority, 3/31/09

Massachusetts Department of Environmental Protection/Northeast Regional Office, 3/31/09

Massachusetts Executive Office of Transportation, 3/31/09

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IAB/WTG