



# The Commonwealth of Massachusetts

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May 26, 2006

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

PROJECT NAME : Waveland Marina  
PROJECT MUNICIPALITY : Hull  
PROJECT WATERSHED : Hull Bay  
EOEA NUMBER : 13781  
PROJECT PROPONENT : Folsom Development Corp.  
DATE NOTICED IN MONITOR : April 26, 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 hereby determine that this project **does not require** the preparation of an Environmental Impact Report (EIR).

As described in the Environmental Notification Form (ENF), the project involves the expansion of an existing marina from approximately 65 floating slips to 150 pile-supported slips; installation of pile-supported piers with a ramp and float system for access; relocation of an existing travel lift; installation of steel sheet-pile sections at the location of the abandoned and proposed lift sites; installation of approximately 900 linear feet of pile-supported floating wave attenuators; and installation of stormwater best management practices. The project also includes the reconfiguration of approximately 40 existing moorings. As proposed, the project will increase impervious area to 0.35 total acres and will alter approximately 1,112 square feet (sf) of Land Under the Ocean and Coastal Beach (850 sf of Coastal Beach and 262 sf of Land Under the Ocean).

The project is undergoing MEPA review pursuant to Section 11.03 (3)(b)(6) and (3)(b)(1)(a) of the MEPA regulations, because the project involves construction, reconstruction or expansion of a pile-supported or bottom anchored structure of 2,000 or more sf of base area in

a flowed tidelands; alteration of coastal dune, barrier beach or coastal bank or other waterways; and requires state permits. The project will require a Chapter 91 License from the Department of Environmental Protection (DEP) and possibly Federal Consistency Review by the Office of Coastal Zone Management (CZM). The project will also require an Order of Conditions from the Hull Conservation Commission (and hence a Superseding Order from DEP if the local Order were appealed). The Chapter 91 License confers broad subject matter jurisdiction under MEPA.

The ENF does not discuss appropriate environmental mitigation for the displacement of approximately 850 sf of Coastal Beach and 262 sf of Land Under the Ocean. Mitigation should be developed that contributes to the ecological function of the resource areas to be affected by this project in accordance with applicable regulatory standards.

I acknowledge the thoughtful comments provided by DEP, CZM, and the Division of Marine Fisheries (DMF) regarding the project's potential environmental impacts. DEP, CZM and DMF have provided specific comments requesting plans and subsequent information that were not addressed in the ENF but must be addressed during the permitting process. The proponent should provide more information on hull maintenance and cleaning; boat cleaning; engine maintenance; bilge water handling; spill response; boat sewage and wastewater management; solid waste management; hazardous waste management; and stormwater management.

The ENF indicates that three historic Chapter 91 Waterways Licenses exist for this facility. The proponent should provide DEP and CZM with additional information and clarification on the location of the historic high water line from these licenses, and all uses, historic and proposed, at this site. CZM recommends, and I concur, that the applicant must provide sufficient information to document the project's compliance with the requirements of the Chapter 91 Waterways regulations at 310 CMR 9.00 governing public access to recreational boating facilities (RBFs). I strongly encourage the proponent to review all comments on the ENF, and to work with the commenters to resolve any concerns prior to permitting.

The project impacts do not warrant the preparation of an EIR. The proponent can resolve any remaining issues during the permitting process. The comment from the CZM, DEP and DMF raised several issues that will require further documentation during the permitting process. No further MEPA review is required.

May 26, 2006

Date

  
Stephen R. Pritchard

EOEA#13781

ENF Certificate

05/26/06

Comments received:

05/16/06      Division of Marine Fisheries  
05/16/06      Department of Environmental Protection, SERO  
05/17/06      Office of Coastal Zone Management

SRP/ACC/acc