



The Commonwealth of Massachusetts

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May 26, 2006

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

PROJECT NAME : Mahendran Fixed Pier, Ramps, & Floats
PROJECT MUNICIPALITY : 40 Orié Lane - Orleans
PROJECT WATERSHED : Cape Cod
EOEA NUMBER : 13787
PROJECT PROPONENT : Dushy Mahendran
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 determine that the above project **does not require** the preparation of an Environmental Impact Report (EIR).

According to the Environmental Notification Form, the proposed project, as described in a plan dated January 3, 2006, consists of the rebuilding of an existing unlicensed 24.6 square foot (sf) timber ramp, a 106 sf fixed pile-supported timber pier, a 24 sf timber ramp, and three floats totaling 144 sf on Pochet Inlet of Pleasant Bay. The project site contains 30,492 sf, and is located within the Pleasant Bay Area of Critical Environmental Concern (ACEC).

This project is subject to MEPA review pursuant to Section 11.03(11)(b) because it is located within an ACEC. A Chapter 91 Waterways License for a water-dependent use will be required from the Department of Environmental Protection (DEP) for the construction of the fixed pier, gangway, and float. The project may need Federal Consistency Review by the Massachusetts Coastal Zone Management (MCZM) Office. The project may require a Programmatic General Permit from the U.S. Army Corps of Engineers. On September 9, 2005, the proponent received an Order of Conditions from the Orleans Conservation Commission. MEPA jurisdiction is limited to the subject matter of the state permits involved (waterways).

According to the proponent, the project may impact the following wetland resource areas: approximately 12.3 sf of coastal beach (ramp), 112.3 sf of Inter-Tidal Zone/salt marsh (ramp & pier), and 174 sf of Inter-Tidal Zone (pier, ramp, & floats). The proponent is proposing 1.5-inch

galvanized pipe piles and the appropriate deck spacing which allows for light penetration for the ramp and pier to reduce potential impacts to salt marsh.

During its permitting process, DEP will finalize the specific details of the project design for the fixed pile-supported pier, ramps, and floats. The proponent should take appropriate measures to contain all construction debris from the marine environment. The proponent has committed to install stops on the float. It should build the fixed pier and ramps so that it complies with DEP's "A Guide to Permitting Small, Pile-Supported Docks and Piers" (November 2003). DEP should ensure that the proponent provides planks with at least ¾ inch spacing to permit light penetration or alternate spacing acceptable to DEP.

On June 22, 2005, DEP stated that it would entertain a license application for the structure, as it existed prior to October 4, 1990. The proponent will be required to submit proof to DEP showing the existence and configuration of the pier prior to 1990. The existing structures were substantially altered after 1990. They would not meet all the guidelines and performance standards for docks and piers under the Pleasant Bay Resource Management Plan.

Based on a review of the information provided by the proponent and after consultation with relevant public agencies, I find that the potential impacts of this project do not warrant the preparation of an EIR and can be properly addressed in the DEP permitting process.

May 26, 2006
Date


Stephen R. Pritchard

cc: Sharon Stone, DEP/SERO

Comments received:

MA Board of Underwater Archaeological Resources, 5/2/06
Division of Marine Fisheries, 5/4/06
Division of Marine Fisheries, 5/10/06
DEP/SERO, 5/16/06
DCR, 5/16/06

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