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June 19, 2009

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

PROJECT NAME : Fore River Dredging of the Boat Basin at the Braintree  
Yacht Club  
PROJECT MUNICIPALITY : Braintree  
PROJECT WATERSHED : Weymouth Fore River  
EEA NUMBER : 14417  
PROJECT PROPONENT : Braintree Yacht Club  
DATE NOTICED IN MONITOR : May 20, 2009

Pursuant to the Massachusetts Environmental Policy Act (M.G. L. c. 30, ss. 61-62I) 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 includes the maintenance dredging of the boat basin within the Weymouth Fore River. The Braintree Yacht Club has proposed this project in the interest of safe navigation and improved tidal flow within the Weymouth Fore River. Consistent with previously approved dredging operations, the harbor will be dredged to a depth of -6.0 Mean Low Water (MLW). The proposed project involves removing approximately 14,100 cubic yards (CY) of marine sediment consisting of fine silts and sands from the Weymouth Fore River with an approximate area of 2.74 acres. The ENF estimates wetland resource area impacts to be approximately 120,000 square feet (sf) of Land Under Water. The dredging material from the basin will be disposed of at the Massachusetts Bay Disposal Site (MBDS). The project site was last dredged in eleven years ago and involved removing marine sediment consisting of fine silts and sands.

### Jurisdiction and Permitting

The project is considered Routine Maintenance under Section 11.02(2) of the MEPA regulations which is any maintenance work or activity carried out on a regular or periodic basis in a manner that has no potential for Damage to the Environment or for which performance standards have been developed that avoid, minimize, or mitigate potential environmental impacts to the maximum extent practicable.

The project was submitted for review pursuant to Sections 11.03(3)(b)(1)(f) and 11.03(3)(b)(3) of the MEPA regulations because the project requires a State agency action and will result in the alteration of ½ or more acres of other wetlands and dredging of 10,000 cubic yards (cy) of material. However, under Section 11.01(b)(3) of the General Provisions of the MEPA regulations the review thresholds do not apply to Routine Maintenance. The project is therefore undergoing review on a voluntary basis. The project will require a Chapter 91 (c.91) License and a Section 401 Water Quality Certificate (401 WQC) from the Massachusetts Department of Environmental Protection (MassDEP). The project will require a Section 404 Permit from the U.S. Army Corps of Engineers. Federal Consistency Review from the Office of Coastal Zone Management (CZM) may also be required. The project also requires an Order of Conditions from the Braintree Conservation Commission.

### Wetlands, Waterways and Tidelands

In order to maintain depths of the existing Weymouth Fore River, the proponent is proposing to mechanically dredge approximately 14,100 cy from the river over an approximate area of 2.74 acres. The maximum design depth of the slips is -6 MLW with a 1' allowable over dredge. The project will result in impacts to approximately 120,000 square feet (sf) of Land Under Water.

The ENF indicates that the proposed work will be a “maintenance dredging” project pursuant to the Waterways Regulations at 310 CMR 9.02. The ENF did not include references or copies of prior dredge permits. However after discussion at the MEPA site visit the Proponent provided supplemental material evidencing prior authorizations pursuant to the Waterways Regulations at 310 CMR 9.02. I remind the proponent that this information must also be included for the review of the 401 WQC and Chapter 91 Permit Applications.

From information presented in the ENF and discussion at the MEPA site visit, the Proponent intends to utilize Best Management Practices (BMPs) to reduce sedimentation impacts during the dredging operations. During the permit review process, the Proponent should finalize mitigation measures and submit an operation and maintenance plan to minimize and contain turbidity. I note that the Wetland Regulations at 310 CMR 10.25(4) state in part that maintenance dredging for navigational purposes affecting land under the ocean shall be designed and carried out using the best available measures so as to minimize adverse effects to the marine environment. Comments received from various State permitting agencies included recommendations to be pursued during the project permitting process.

*Habitat*

The ENF indicates that the dredge footprint includes a known fish run. Pursuant to the Waterways Regulations at 310 CMR 9.40, I note that dredging is restricted during designated times of the year, except upon a determination by the Division of Marine Fisheries (MarineFisheries) that the proposed activity would not obstruct or hinder the passage of fish.


MarineFisheries has indicated that the waters of Weymouth Fore River have been identified as a spawning and foraging habitat for winter flounder (*Pseudopleuronectes americanus*), rainbow smelt (*Osmerus mordox*), and river herring (*Alosa spp.*). The Weymouth Fore River also supports productive *Mya arenaria* soft shelled clam beds that are actively managed and harvested and lobster (*Homerus americanus*). As such, MarineFisheries has recommended a time-of-year (TOY) restriction prohibiting dredging from February 15<sup>th</sup> through September 15<sup>th</sup> of any year for the protection of winter flounder spawning, larval and juvenile development, and spawning and migration of anadromous fish, and spawning of soft-shelled clams. Due to the possibility of a high percentage of silt in the Weymouth Fore River, MarineFisheries recommends the use of bottom weighted silt curtains to contain silt while dredging is underway.

*Underwater Archaeological Resources*

The Massachusetts Board of Underwater Archaeological Resources (Board) conducted a preliminary review of its files and secondary literature sources to identify known and potential submerged cultural resources in the proposed area of this project. No record of any underwater archaeological resources was found within the proposed project boundaries. Therefore, based on the results of this review and the extent of proposed project activities, the Board considers this project unlikely to impact submerged cultural resources. However, the Board has indicated in its comments that if unknown submerged cultural resources are encountered during the course of the dredging, the proponent should take steps to limit adverse effects and notify the Board, as well as other appropriate agencies in accordance with the Board's *Policy Guidance for the Discovery of Unanticipated Archaeological Resources* (updated 9/28/06).

Based on the information in the ENF and after consultation with relevant public agencies, I find that no further MEPA review is required at this time. The project may proceed to State permitting.

June 19, 2009  
Date

  
Ian A. Bowles

Comments received:

- 06/02/2009 Division of Marine Fisheries
- 06/10/2009 Massachusetts Department of Environmental Protection - SERO
- 06/10/2009 Massachusetts Board of Underwater Archaeological Resources

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