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August 8, 2008

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

PROJECT NAME : Dredging and Beneficial Reuse of Material for Beach
Nourishment at Menauhant Public Beach
PROJECT MUNICIPALITY : Falmouth
PROJECT WATERSHED : Vineyard Sound
EEA NUMBER : 14267
PROJECT PROPONENT : Town of Falmouth
DATE NOTICED IN MONITOR : **June 25, 2008**

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 transferring 20,000 cubic yards (cy) of dredged material from a temporary nearshore disposal area and reuse of the material for beach nourishment at Menauhant Beach in the Town of Falmouth. The dredged material is being provided to the Town for reuse as part of the National Oceanic and Atmospheric Administration's (NOAA) proposed Great Harbor dredging project in Woods Hole, which is being undertaken in collaboration with the U. S. Army Corps of Engineers (ACoE).

The project will result in alteration of approximately four acres of coastal beach and dunes as a result of the proposed nourishment and will impact Land Under Water due to placement of 20,000 cubic yards of fill in the nearshore area. The project is undergoing environmental review pursuant to: Section 11.03 (3)(b)(1)(a) of the MEPA regulations because it will alter coastal dune and barrier beach; Section 11.03 3(b)(1)(e) because it involves placement of new fill in a velocity zone; and Section 11.03(3)(b)(1)(f) because it will result in alteration of one-half or more acres of wetlands. The project is also under review pursuant to Section 11.03(b)(3) and (4) because it involves dredging and disposal of 10,000 or more cy of material.

The project requires a 401 Water Quality Certification and a Chapter 91 Permit from the Massachusetts Department of Environmental Protection (MassDEP). The project requires an

Order of Conditions from the Town of Falmouth (and, on appeal only, a Superseding Order from MassDEP). The project site is located within Priority and Estimated Habitat of state-listed species and requires review through a direct filing with the Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program (NHESP) for compliance with the Massachusetts Endangered Species Act (MESA 321 CMR10.00). The project requires a Section 404 permit from the U.S. Army Corps of Engineers and may be subject to federal consistency review by the Office of Coastal Zone Management (CZM). The project may require a National Pollutant Discharge Elimination System (NPDES) permit for construction activities.

The project is not seeking financial assistance from the Commonwealth. Therefore, MEPA jurisdiction is limited to the subject matter of required permits and extends to water quality, wetlands, waterways and tidelands, land and rare species.

As described in the Environmental Notification Form (ENF), the dredged material will be transported by scow to the Menauhant Beach area and placed in a nearshore disposal site approximately 2,200 feet from the beach. The ENF estimates that ten scow trips would be required to bring the entire 20,000 cy of sand to the temporary disposal site over a period of seven to ten days. The Town of Falmouth proposes to use the Barnstable County Dredge to hydraulically remove the sand from the disposal area and pump it to Menhauhant Beach. The Town circulated supplemental information with an alternatives analysis during the extended comment period on the ENF. Four different alternatives were evaluated as beach nourishment sites and four alternatives evaluated for moving the dredged material to Menauhant Beach. The preferred alternative for beach nourishment, Menauhant Beach, was chosen because of its high rates of erosion which threaten loss of beach and roadway. As discussed in the ENF, the nearshore disposal alternative was selected as the most viable alternative because it is significantly less costly than other alternatives and will avoid transportation impacts associated with the trucking alternatives. MassDEP has reviewed the alternatives for beneficial reuse of the dredged material for beach nourishment and concurs with the recommended alternative.

The Town has recently applied for the 401 Water Quality Certification (WQC) and Chapter 91 Permit applications and the Notice of Intent (NOI). MassDEP is satisfied that the information provided in the ENF and permit applications will be sufficient for its review.

Potential impacts associated with the project include impacts to Bay Scallops, Eelgrass beds and other marine resources. I expect that MassDEP will condition any permits to ensure that impacts are avoided and minimized, or mitigated as appropriate. As further detailed in the MassDEP comment letter (August 1, 2008), the Town shall harvest the shellfish within the "sand deposit" area prior to placement of the suitable dredged material for beach nourishment by ACoE's contractor as approved by the Conservation Commission and the Shellfish Constable and then relocate the shellfish within the "sand deposit" area following completion of the beach nourishment. Dredging shall be commenced as soon as possible once the suitable dredged material is made available to the Town as a result of the entrance channel dredging by the ACoE. The Town shall closely coordinate with the ACoE and its contractor to minimize delay in transferring suitable dredged material to the receiving site. Best Management Practices shall be deployed during dredging and dewatering at the receiving site to minimize turbidity to the

surrounding area. Furthermore, the dredging window shall be limited to the October 1st to January 14th period to protect marine species.


The ENF indicates that the pipeline to transfer dredged material from the nearshore area to the beach will be routed to avoid eelgrass beds. As further detailed in the comment letters from the Division of Marine Fisheries (DMF) and the Office of Coastal Zone Management (CZM), more detailed information needs to be provided to state agencies to better evaluate potential impacts to nearshore resources, and develop measures to avoid and minimize impacts. The Town should consult with MassDEP, the DMF, and CZM to develop pre- and post-project habitat survey designs, as well as mitigation and monitoring plans to ensure that impacts are avoided and minimized, or mitigated to the maximum extent feasible. The Town should also consult with CZM to provide any additional information necessary for the CZM federal consistency review.

As noted in its comment letter, NHESP has recently reviewed and commented on a beach management plan for all Falmouth public beaches. NHESP does not anticipate any rare species concerns provided that the beach nourishment is conducted as proposed in the ENF. The Town is required to file directly with NHESP for compliance with MESA.

I am satisfied that the ENF has adequately described the general nature of the proposed project and proposed measures to avoid and minimize environmental impacts. Based on review of the ENF and comments received, and consultation with relevant state agencies, I am satisfied that the project does not warrant the preparation of an EIR, and that any outstanding issues can be addressed during the state agency permitting and review processes. No further review under MEPA is required for the project as proposed in the ENF.

August 8, 2008

DATE



Ian A. Bowles, Secretary

Comments Received:

7/10/08	Massachusetts Historical Commission
7/15/08	Office of Coastal Zone Management
7/15/08	Department of Environmental Protection, Southeast Regional Office
7/15/08	Division of Marine Fisheries
7/17/08	Division of Fisheries and Wildlife, NHESP
7/24/08	Woods Hole Group (Supplemental Information on behalf of the proponent)
8/01/08	Department of Environmental Protection, Boston Office

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