



The Commonwealth of Massachusetts

Executive Office of Environmental Affairs

100 Cambridge Street, Suite 900

Boston, MA 02114-2524

MITT ROMNEY
GOVERNOR

KERRY HEALEY
LIEUTENANT GOVERNOR

ROBERT W. GOLLEDGE, JR.
SECRETARY

September 7, 2006

Tel. (617) 626-1000
Fax. (617) 626-1181
<http://www.mass.gov/envir>

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

PROJECT NAME	: Walton Site Restoration
PROJECT MUNICIPALITY	: 197 and 201 Marginal Street – Chelsea
PROJECT WATERSHED	: Boston Harbor
EOEA NUMBER	: 13848
PROJECT PROPONENT	: Walton Systems International
DATE NOTICED IN MONITOR	: August 8, 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 consists of the restoration of the 2.32 acre site along the Chelsea River. The proponent will remove fill and structures that are an impediment to the water-dependent industrial use of the property and to prepare the site to accommodate future water-dependent industrial uses. The project includes the removal of 1,477 cubic yards (cy) of unauthorized fill from approximately 5,500 square feet (sf) of tidal flat/Coastal Beach. The fill and any old piles in this 5,500 sf area will be removed. Approximately 662 cy of fill lies between the Mean High Water (MHW) and Mean Low Water (MLW) elevation and 815 cy of fill lies above MHW. All fill below MHW will be removed during low tide conditions (no dredging). The proponent will demolish and remove two derelict barges. It will obtain authorization for 6,020 cy of previously placed, unauthorized fill, on tidal flat/Coastal Beach. The proponent will seek authorization for the 30-foot by 70-foot two-story building constructed on the site before 1950. It will stabilize the 6,020 cy of authorized fill by placing 1,083 cy of fill and stone riprap on the tidal flat. The proponent will place approximately 463 cy of fill and stone in flowed tidelands below MHW, and it will place the remaining 620 cy of fill and stone above MHW. The fill and stone will provide the riprap stabilization and Coastal Bank protection on the site. The proponent will remove the derelict wood piles from the unauthorized pier structure located along the western edge of the property. It is seeking authorization for the current use of the site as a temporary use within the Chelsea Creek

Designated Port Area (DPA) in order to protect water-dependent uses within the DPA.

The project is subject to MEPA review pursuant to Section 11.03(3)(b)(1)(a) because the project alters Coastal Bank. It requires a Chapter 91 Waterways License for a non-water dependent use from the Department of Environmental Protection (MassDEP). In July of 2006, the proponent entered into a negotiated Settlement Agreement and Final Judgment with the Commonwealth to resolve all of the matters for alleged violations of the Wetlands Protection Act and the Massachusetts Waterways Act for the filling and/or altering of wetlands and tidelands at the project site. The Agreement and Final Judgment require the proponent to come into compliance with the Wetlands Protection Act and Chapter 91 (Waterways). Because of the Settlement Agreement, no separate approval under the Wetlands Protection Act is needed from MassDEP or the Chelsea Conservation Commission. A Programmatic General Permit will be needed from the U.S. Army Corps of Engineers. A Federal Consistency Review by the Massachusetts Coastal Zone Management (MCZM) office may also be necessary. MEPA jurisdiction is limited to those aspects of the project within the subject matter of state permits and that may have significant environmental impacts (waterways).

Existing site runoff is sheet flow. Runoff from the proposed project will continue to be sheet flow. The rate of water discharging from the site will remain less than existing peak runoff rates.

According to the proponent, the project would affect the following wetland resource areas: approximately 420 linear feet of coastal bank, 2,100 sf coastal beach/tidal flat, 6,500 sf of Designated Port Area (temporary), 25,265 sf of proposed filled tidelands (a decrease from the existing 29,185 sf), 6,500 sf of Riverfront Area (temporary), and 6,500 sf of Land Subject to Coastal Storm Flowage (temporary).

The project's impacts to wetland/waterways resource areas can be adequately handled during the MassDEP permitting processes. The proponent should demonstrate that the project has been designed to meet all the conditions of the Settlement Agreement/Final Judgment. It should coordinate its proposed work with the City of Chelsea in regards to restoring the City's outfall pipe, which is located within an easement through the project site. The City of Chelsea anticipates that it will remove the obstruction at outfall pipe during the 2007 construction season and potentially extend the pipe to below MLW. Any repair and reuse of the pile-supported pier structure, which was permitted under Chapter 91 License #181, is not included within this Settlement Agreement. When repairs are proposed to this structure, the applicant will be required to file a Notice of Project Change (NPC) that fully reviews the work proposed.

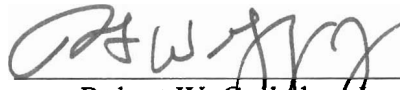
In its comment letter, the Massachusetts Division of Marine Fisheries (MDMF) recommended that no in-water or silt producing activities should be conducted from February 1st through June 30th to protect juvenile fish development. The proponent should comply with this

request. If a barge is used for any portion of the work, it should be prevented from grounding during all tides.

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 MassDEP and local permitting processes.

September 7, 2006

Date


Robert W. Goldidge Jr.

cc: Nancy Baker, MassDEP/NERO
Ben Lynch, MassDEP/Boston

Comments received:

Chelsea Law Department, 8/2/06
MassDEP/NERO, 8/9/06
Daylor Consulting, 8/10/06
Chelsea Public Works, 8/11/06
Chelsea Department of Planning & Development, 8/17/06
Massachusetts Board of Underwater Archaeological Resources, 8/23/06
Chelsea Law Department, 8/25/06
MassDEP/NERO, 8/28/06
Daylor Consulting, 8/28/06
Daylor Consulting, 8/28/06
MDMF, 8/28/06

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