



The Commonwealth of Massachusetts

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SECRETARY

November 9, 2006

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

PROJECT NAME : Culvert Replacement and Wetland Restoration
PROJECT MUNICIPALITY : Yarmouth
PROJECT WATERSHED : Cape Cod
EOEA NUMBER : 13892
PROJECT PROPONENT : Town of Yarmouth
DATE NOTICED IN MONITOR : October 10, 2006

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H) and Section 11.03 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), this project consists of a culvert replacement to increase tidal exchange to restore approximately four (4) acres of former salt marsh habitat and to reduce the frequency of flooding on Shore Road. The project site lies upstream of a culvert that flows beneath Shore Road (between Shore Road's intersection with New Hampshire Avenue and Vermont Avenue) into an area of salt marsh. Under existing conditions, the 15" concrete culvert has collapsed and an existing catch basin is filled with sediment. The portion of the pipe that discharges into Lewis Bay is also subject to frequent sedimentation problems. Therefore, the salt marsh area is no longer adequately flushed during tidal fluctuations, and stormwater runoff and tidal overwash ponds in the marsh. The culvert will be replaced with an 18" HDPE pipe that will be placed in the approximate location of the existing culvert, continuing to connect to Lewis Bay. The existing culvert is listed as Site YA-7 on the *Cape Cod Atlas of Tidally Restricted Salt Marshes*.

The project is undergoing MEPA review pursuant to Section 11.03(3)(b)(1)(a) because it requires a State permit and will involve the alteration of a coastal dune. The project requires a Chapter 91 Waterways License from the Massachusetts Department of Environmental Protection (MassDEP). It is our understanding that an Order of Conditions (DEP #083-1760) was issued for this project by the Yarmouth Conservation Commission in August 2006. The project also requires a United States Army Corps of Engineers (U.S. ACOE) Category 2 Programmatic General Permit for the proposed work and a consistency statement from the Office of Coastal Zone Management. The MassDEP has indicated in their comment letter that an Individual Water Quality Certificate (401 WQC) will be required due to temporary and permanent alteration of Salt Marsh.

The project will be partially financed by the Massachusetts Office of Coastal Zone Management Wetland Restoration Program. Therefore, MEPA jurisdiction for this project is broad and shall extend to all aspects of the project that are likely, directly or indirectly, to cause Damage to the Environment.

The project consists of several steps to restore tidal flushing to the salt marsh north of Shore Road and reduce roadway flooding:

1. Replace the broken and collapsed 15" concrete culvert with an 18" HDPE pipe;
2. Place the new pipe approximately 6" to 12" above the existing discharge invert elevation to Lewis Bay to reduce future pipe sedimentation;
3. Utilize displaced rip rap from existing groin to serve as pipe cover;
4. Remove the catch basin located on the south side of Shore Road near the existing culvert;
5. Increase the elevation of Shore Road by approximately 6" to achieve adequate coverage of the new culvert and pipe; and
6. Clean the existing pipe draining the Broadway Road neighborhood and remove existing junk and debris from the marsh.

The proponent intends to conduct the work during spring months at low tide to reduce impact to wetland resource areas, limit disruption to the local neighborhood, and decrease the potential amount of construction period dewatering. While specific construction equipment and methodology will be at the discretion of the construction contractor, the type and delineated limit of work will likely result in the use of a rubber tire backhoe, Bobcat and hand construction techniques to complete the project. The construction period is anticipated to be short in duration, and areas of removed vegetation will be replaced in a timely fashion to their original location (within a period of days). The Office of Coastal Zone Management (CZM) has indicated that

should these areas of vegetation die due to construction related processes, they will be replaced, with costs incurred by CZM. As outlined in the Order of Conditions, construction equipment and machinery will be stored at Englewood Beach during non-use periods to prevent unnecessary impact to wetland resource areas. Englewood Beach will also serve as a staging area for the storage of other types of construction materials.

The MassDEP comment letter summarizes additional information that should be addressed by the project proponent during the Chapter 91 and 401 WQC permit processes and prior to construction. Generally, these items include information pertaining to evaluation of wetland impacts, flooding potential, long term monitoring, and construction methodologies. I request that the project proponent specifically address the concerns raised within the MassDEP comment letter during both the 401 WQC and Ch. 91 License permitting processes. I encourage the proponent to implement a thorough monitoring program to ensure the overall success of this restoration project. Should the project be modified, the proponent may need to submit a revised Notice of Intent with the Yarmouth Conservation Commission and/or file a Notice of Project Change with the MEPA Office.

The proponent must contact the Division of Marine Fisheries to coordinate water sample collection prior to the opening of the culvert or discharge of water from the marsh to areas mapped as shellfish habitat associated with Lewis Bay. This sampling will assist in a determination if the area immediately adjacent to the culvert will need to be closed to shellfishing as a result of improvements in tidal flushing to the salt marsh.

Prior to commencement of construction, I encourage the Town of Yarmouth and the selected contractor to consider possible ways to mitigate stormwater runoff within the project area through non-structured means. I recognize the limitations given the location of wetland resource areas; however, due to the elimination of the structured catch basin, some consideration should be given to reducing sheet flow velocities and pollutant loads that may directly discharge into wetland resources. Any drainage improvements should be made in accordance with appropriate applicable regulations and design guidelines.

I also encourage the Town of Yarmouth to consider restrictions to parking along this section of Shore Road to limit direct impacts to wetland resource areas. In an effort to reap the full array of benefits that increased tidal flushing may bring to the salt marsh and this stretch of beach along Shore Road, a reduction of impact due to vehicular traffic would be largely beneficial.

The ENF contains sufficient information to understand the potential impacts of the project, and to demonstrate that the impacts of the project do not warrant the preparation of an EIR. The proponent presented several design alternatives for consideration by the area neighborhood and the Yarmouth Engineering Department, including: replacement of the existing 15" culvert with another 15" culvert, replacement of the 15" culvert with an 18" culvert and raising the elevation of Shore Road by 2', and the preferred alternative.

I feel that this project provides an opportunity to restore valuable wetland habitat areas within the salt marsh, and mitigate a public safety issue associated with flooding of Shore Road. The project, while requiring additional information during the MassDEP permit approval process, has received support from State resource management agencies. The proponent can resolve any remaining issues during the state permitting process. No further MEPA review is required.

November 9, 2006

Date



Robert W. Golledge, Jr.

Comments received:

- 10/17/2006 Division of Marine Fisheries
- 10/26/2006 Cape Cod Commission
- 10/30/2006 Massachusetts Department of Environmental Protection -SERO

RWG/HSJ/hsj