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December 12, 2007

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

PROJECT NAME: Morrissey Boulevard Bridge Channel Dredging
PROJECT MUNICIPALITY: Boston
PROJECT WATERSHED: Boston Harbor
EOEA NUMBER: 14122
PROJECT PROPONENT: Department of Conservation and Recreation
DATE NOTICED IN MONITOR: November 12, 2007

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.

The project involves maintenance dredging and fender repairs within the Morrissey Boulevard Bridge navigation channel in Dorchester Bay in Boston. The Department of Conservation and Recreation (DCR) proposes to mechanically dredge approximately 2,250 cubic yards (cy) of sediment material from within the navigation channel located near the southeast expressway (I-93) and Malibu Beach. The area of the navigation channel has seen a buildup of sediments since the completion of the last maintenance dredging work in February 1993. The Morrissey Boulevard Bridge navigation channel provides maritime-related ingress/egress between Dorchester Bay and Malibu Beach Cove. Dredging activities will begin in the Morrissey Boulevard Bridge navigation channel and extend southeasterly for approximately 200 feet to the Dorchester Bay Channel. The 200' x 64' dredge area will be dredged to elevation -7 MLW with a 1 foot over-dredge allowance.

The project also includes the repair and/or replacement of a portion (approximately 420 linear feet) of the existing navigation channel fender system. DCR proposes to reuse the 2,250 cy of dredged material for coastal bank stabilization to be located within a 41,000 sf area abutting Morrissey Boulevard and immediately north of the Morrissey Boulevard Bridge. The proposed bank stabilization area will be replanted with salt tolerant vegetative seedlings.

The project is undergoing review pursuant to Section 11.03 (3)(b)(1)(a) and 11.03(3)(b)(1)(e) of the MEPA regulations because the project involves alteration of a coastal bank and new fill in a velocity zone. The project will require a Chapter 91 Permit and a 401 Water Quality Certificate from the Department of Environmental Protection (MassDEP); a Section 404 Programmatic General Permit from the U.S. Army Corps of Engineers (ACOE); and an Order of Conditions from the Boston Conservation Commission. The project may require a Consistency Review by the Office of Coastal Zone Management (CZM).

The project is being undertaken by an Agency of the Commonwealth. Therefore, MEPA jurisdiction extends to all aspects of the project that may cause significant Damage to the Environment.

Permitting Issues

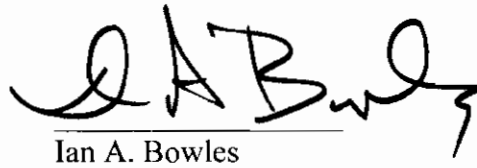
MassDEP's comments indicate that DCR has provided sufficient information to proceed to permitting for a Chapter 91 Waterways and 401 Water Quality Certifications. According to the comments received from the Division of Marine Fisheries (DMF), the project will require a winter flounder time-of-year (TOY) restriction, from February 15th through June 30th for in-water construction activities. Although not specifically stated in the ENF, it was noted at the site visit that DCR may seek a waiver from DMF from time-of-use restrictions so that the navigation channel can be dredged in anticipation of high use periods. If a waiver is secured during permitting, the proponent must adhere to any recommended mitigation and restoration recommended by DMF. In their comments, CZM and DMF have recommended that DCR employ the use of hydraulic dredging technologies to minimize or avoid potential impacts to benthic community resources and shellfish resources in the project area. DCR should also include measures to avoid project impacts to adjacent salt marsh resource areas. MassCZM and DMF have also asked that DCR maintain the existing public boating access facility, located immediately adjacent to the project site, during project construction. It was noted at the MEPA site visit that DCR's existing boat launching facility could benefit from the installation of boundary markers separating the existing boat launching access facility from the proposed coastal bank stabilization area and important coastal resource areas.

Conclusion

While there still may be outstanding issues related to impacts to marine habitat, I am satisfied that the project can proceed to permitting at this point. The proponent must continue to coordinate with the appropriate resource management agencies to ensure that the project avoids, minimizes and mitigates Damage to the Environment.

I conclude that no further MEPA review is required. The proponents may resolve any remaining issues during the state and local permitting processes.

December 12, 2007
Date


Ian A. Bowles

Comments received:

11/28/2007 Office of Coastal Zone Management (CZM)
12/03/07 Department of Environmental Protection, Northeast Regional Office
12/03/07 MA Division of Marine Fisheries

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